

FIRST REGULAR SESSION

HOUSE BILL NO. 724

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MORGAN.

1328H.021

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 32.087, 66.601, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1713, 67.1775, 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 144.010, 144.014, 144.020, 144.030, 144.032, 144.043, 144.049, 144.054, 144.060, 144.069, 144.080, 144.083, 144.100, 144.140, 144.190, 144.210, 144.285, 144.517, 144.526, 144.600, 144.605, 144.655, 144.710, 144.759, 144.761, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 184.845, 221.407, 238.235, 238.410, and 644.032, RSMo, and to enact in lieu thereof seventy-nine new sections relating to the implementation of the streamlined sales and use tax agreement, with a delayed effective date.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 32.087, 66.601, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 2 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 3 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1713, 67.1775, 67.1959, 67.1971, 4 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 144.010, 144.014, 5 144.020, 144.030, 144.032, 144.043, 144.049, 144.054, 144.060, 144.069, 144.080, 144.083, 6 144.100, 144.140, 144.190, 144.210, 144.285, 144.517, 144.526, 144.600, 144.605, 144.655, 7 144.710, 144.759, 144.761, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 8 184.845, 221.407, 238.235, 238.410, and 644.032, RSMo, are repealed and seventy-nine new 9 sections enacted in lieu thereof, to be known as sections 32.070, 32.086, 32.087, 66.620, 67.395, 10 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

11 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1775,
12 67.1959, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 144.010,
13 144.014, 144.020, 144.022, 144.030, 144.032, 144.049, 144.054, 144.060, 144.079, 144.080,
14 144.082, 144.083, 144.084, 144.100, 144.105, 144.108, 144.109, 144.111, 144.112, 144.113,
15 144.114, 144.123, 144.124, 144.125, 144.140, 144.190, 144.210, 144.212, 144.285, 144.526,
16 144.600, 144.612, 144.655, 144.710, 144.759, 144.761, 184.845, 221.407, 238.235, 238.410, and
17 644.032, to read as follows:

**32.070. 1. This act shall be known and may be cited as the "Streamlined Sales and
2 Use Tax Agreement Act".**

**3 2. (1) Beginning January first following the effective date of this act, all revenue
4 generated under the streamlined sales and use tax agreement act that exceeds the amount
5 of revenue that would have been collected if the streamlined sales and use tax agreement
6 act were not in effect, and that is not otherwise constitutionally earmarked or reserved,
7 shall be deposited in the early childhood education supplemental fund created in this
8 section and appropriated solely for the approved purposes. The department of revenue
9 shall track and report the collections generated under this act.**

**10 (2) There is hereby created in the state treasury the "Early Childhood Education
11 Supplemental Fund", which shall consist of moneys collected under this subsection. The
12 state treasurer shall be custodian of the fund. In accordance with sections 30.170 and
13 30.180, the state treasurer may approve disbursements. No disbursements shall be made
14 before January 1, 2021. The fund shall be a dedicated fund and all moneys in the fund
15 shall be appropriated for the purpose of supporting early childhood education for pre-
16 kindergarten children in this state, according to a special distribution formula. The special
17 distribution formula shall be designed by the department of elementary and secondary
18 education and shall prioritize pre-kindergarten educational services for children eligible
19 for free and reduced price lunch. Notwithstanding the provisions of section 33.080 to the
20 contrary, any moneys remaining in the fund at the end of the biennium shall not revert to
21 the credit of the general revenue fund. The state treasurer shall invest moneys in the fund
22 in the same manner as other funds are invested. Any interest and moneys earned on such
23 investments shall be credited to the fund. Assets of the fund may be used by the
24 department of revenue to cover fund administration costs; however, no more than one-half
25 of one percent of the total assets of the fund shall be used to cover such fund administration
26 costs in a given fiscal year. Assets of the fund may also be used by the department of
27 elementary and secondary education to cover any formula or fund administration costs;
28 however, no more than one-half of one percent of the total assets of the fund may be used
29 to cover such costs in a given fiscal year. The department of revenue shall, no later than**

30 the thirty-first day of January of every year, provide to the department of elementary and
31 secondary education an official statement of the total fund balance available for
32 disbursement, including the balance of all contributions made to the fund during the
33 previous calendar year. The department of elementary and secondary education shall use
34 this official statement to notify individual school districts of any amounts of funding such
35 districts shall be apportioned, according to the special distribution formula established
36 under this section, from the total fund balance available for disbursement, for the school
37 year that begins in the calendar year in which the official statement was issued. The
38 department of elementary and secondary education shall provide such notice to individual
39 school districts within thirty days of receiving the official statement from the department
40 of revenue.

41 3. The director of revenue shall enter into the streamlined sales and use tax
42 agreement with one or more states to simplify and modernize sales and use tax
43 administration in order to substantially reduce the burden of tax compliance for all sellers
44 and for all types of commerce. In furtherance of the streamlined sales and use tax
45 agreement, the director of revenue may act jointly with other states that are members of
46 the streamlined sales and use tax agreement to establish standards for certification of a
47 certified service provider and certified automated system and establish performance
48 standards for multistate sellers.

49 4. The director of revenue may take other actions reasonably required to
50 implement the provisions set forth in the streamlined sales and use tax agreement act
51 including, but not limited to, the promulgation of rules and the joint procurement, with
52 other member states, of goods and services in furtherance of the streamlined sales and use
53 tax agreement.

54 5. For the purposes of representing the state as a member of the agreement and,
55 if necessary, amending the agreement, three delegates shall represent the state: one of
56 whom is appointed by the governor, one of whom is a member of the general assembly
57 appointed by mutual agreement of the president pro tempore of the senate and the
58 speaker of the house of representatives, and one of whom is the director of revenue or the
59 director's designee. Each year, the delegates shall recommend to the committees
60 responsible for reviewing tax issues in the senate and the house of representatives any
61 amendment of state statutes required to be substantially in compliance with the
62 agreement. Such delegates shall make a written report by the fifteenth day of January
63 each year regarding the status of the agreement.

64 6. The department of revenue shall promulgate rules necessary to implement the
65 provisions of the streamlined sales and use tax agreement. Any rule or portion of a rule,

66 as that term is defined in section 536.010, that is created under the authority delegated in
67 this section shall become effective only if it complies with and is subject to all of the
68 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536
69 are nonseverable, and if any of the powers vested with the general assembly pursuant to
70 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
71 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
72 proposed or adopted after August 28, 2019, shall be invalid and void.

2 **32.086. Notwithstanding any other provision of law, for all local sales and use**
3 **taxes collected by the department of revenue and remitted to a political jurisdiction or**
4 **taxing district, the department shall remit one percent of the amount collected to the**
5 **general revenue fund to offset the cost of collection unless a greater amount is specified**
6 **in the local sales and use tax law. The department shall not commingle the remaining**
7 **amounts collected with general revenue and shall remit the remaining amounts collected**
8 **to the political jurisdiction or taxing district less any credits for erroneous payments,**
9 **overpayments, and dishonored checks.**

2 32.087. 1. Within ten days after the adoption of any ordinance or order in favor of
3 adoption of any local sales tax authorized under the local sales tax law by the voters of a taxing
4 entity, the governing body or official of such taxing entity shall forward to the director of
5 revenue by United States registered mail or certified mail a certified copy of the ordinance or
6 order. ~~[The ordinance or order shall reflect the effective date thereof.]~~

7 2. Any local sales tax so adopted shall become effective ~~[on the first day of the second~~
8 ~~calendar quarter after the director of revenue receives notice of adoption of the local sales tax,~~
9 ~~except]~~ as provided in subsection ~~[48]~~ **19** of this section, and shall be imposed on all
10 transactions on which the Missouri state sales tax is imposed.

11 3. Every retailer within the jurisdiction of one or more taxing entities which has
12 imposed one or more local sales taxes under the local sales tax law shall add all taxes so
13 imposed along with the tax imposed by the sales tax law of the state of Missouri to the sale
14 price and, when added, the combined tax shall constitute a part of the price, and shall be a debt
15 of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner
16 as the purchase price. The combined rate of the state sales tax and all local sales taxes shall be
17 the sum of the rates, multiplying the combined rate times the amount of the sale.

18 4. ~~[The brackets required to be established by the director of revenue under the~~
19 ~~provisions of section 144.285 shall be based upon the sum of the combined rate of the state~~
20 ~~sales tax and all local sales taxes imposed under the provisions of the local sales tax law.~~

21 ~~————5.]~~ (1) The ordinance or order imposing a local sales tax under the local sales tax law
shall impose a tax upon all transactions upon which the Missouri state sales tax is imposed to

22 the extent and in the manner provided in [~~sections 144.010 to 144.525~~] **chapter 144**, and the
23 rules and regulations of the director of revenue issued pursuant thereto; except that the rate of
24 the tax shall be the sum of the combined rate of the state sales tax or state highway use tax and
25 all local sales taxes imposed under the provisions of the local sales tax law.

26 (2) Notwithstanding any other provision of law to the contrary, local taxing
27 jurisdictions, except those in which voters have **previously** approved a local use tax under
28 section 144.757, shall have placed on the ballot on or after the general election in November
29 2014, but no later than the general election in November 2022, whether to repeal application
30 of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that
31 are subject to state sales tax under section 144.020 and purchased from a source other than a
32 licensed Missouri dealer. The ballot question presented to the local voters shall contain
33 substantially the following language:

34 Shall the _____ (local jurisdiction's name) discontinue applying and
35 collecting the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors
36 that were purchased from a source other than a licensed Missouri dealer?

37

38 Approval of this measure will result in a reduction of local revenue to provide for vital services
39 for _____ (local jurisdiction's name) and it will place Missouri dealers of
40 motor vehicles, outboard motors, boats, and trailers at a competitive disadvantage to
41 non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

42

YES

NO

43

44 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
45 to the question, place an "X" in the box opposite "NO".

46 (3) If the ballot question set forth in subdivision (2) of this subsection receives a
47 majority of the votes cast in favor of the proposal, or if the local taxing jurisdiction fails to place
48 the ballot question before the voters on or before the general election in November 2022, the
49 local taxing jurisdiction shall cease applying the local sales tax to the titling of motor vehicles,
50 trailers, boats, and outboard motors that were purchased from a source other than a licensed
51 Missouri dealer.

52 (4) In addition to the requirement that the ballot question set forth in subdivision (2) of
53 this subsection be placed before the voters, the governing body of any local taxing jurisdiction
54 that had previously imposed a local use tax on the use of motor vehicles, trailers, boats, and
55 outboard motors may, at any time, place a proposal on the ballot at any election to repeal
56 application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard
57 motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes

58 cast by the registered voters voting thereon are in favor of the proposal to repeal application of
59 the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling
60 of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a
61 licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon
62 are opposed to the proposal to repeal application of the local sales tax to such titling, such
63 application shall remain in effect.

64 (5) In addition to the requirement that the ballot question set forth in subdivision (2) of
65 this subsection be placed before the voters on or after the general election in November 2014,
66 and on or before the general election in November 2022, whenever the governing body of any
67 local taxing jurisdiction imposing a local sales tax on the sale of motor vehicles, trailers, boats,
68 and outboard motors receives a petition, signed by fifteen percent of the registered voters of
69 such jurisdiction voting in the last gubernatorial election, and calling for a proposal to be placed
70 on the ballot at any election to repeal application of the local sales tax to the titling of motor
71 vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed
72 Missouri dealer, the governing body shall submit to the voters of such jurisdiction a proposal
73 to repeal application of the local sales tax to such titling. If a majority of the votes cast by the
74 registered voters voting thereon are in favor of the proposal to repeal application of the local
75 sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor
76 vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed
77 Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are
78 opposed to the proposal to repeal application of the local sales tax to such titling, such
79 application shall remain in effect.

80 (6) Nothing in this subsection shall be construed to authorize the voters of any
81 jurisdiction to repeal application of any state sales or use tax.

82 (7) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard
83 motors purchased from a source other than a licensed Missouri dealer is repealed, such repeal
84 shall take effect ~~[on the first day of the second calendar quarter after the election]~~ **as provided**
85 **in subsection 19 of this section.** If any local sales tax on the titling of motor vehicles, trailers,
86 boats, and outboard motors purchased from a source other than a licensed Missouri dealer is
87 required to cease to be applied or collected due to failure of a local taxing jurisdiction to hold
88 an election ~~[pursuant to]~~ **under** subdivision (2) of this subsection, such cessation shall take
89 effect on March 1, 2023.

90 (8) Notwithstanding any provision of law to the contrary, if any local sales tax on the
91 titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than
92 a licensed Missouri dealer is repealed after the general election in November 2014, or if the
93 taxing jurisdiction failed to present the ballot to the voters at a general election on or before

94 November 2022, then the governing body of such taxing jurisdiction may, at any election
95 subsequent to the repeal or after the general election in November 2022, if the jurisdiction failed
96 to present the ballot to the voters, place before the voters the issue of imposing a sales tax on
97 the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales
98 tax under section 144.020 that were purchased from a source other than a licensed Missouri
99 dealer. The ballot question presented to the local voters shall contain substantially the following
100 language:

101 Shall the _____ (local jurisdiction's name) apply and collect the local
102 sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that are subject
103 to state sales tax under section 144.020 and purchased from a source other than a licensed
104 Missouri dealer?

105

106 Approval of this measure will result in an increase of local revenue to provide for vital services
107 for _____ (local jurisdiction's name), and it will remove a competitive
108 advantage that non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers have
109 over Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

110 YES NO

111

112 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
113 to the question, place an "X" in the box opposite "NO".

114 (9) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard
115 motors purchased from a source other than a licensed Missouri dealer is adopted, such tax shall
116 take effect and be imposed ~~[on the first day of the second calendar quarter after the election]~~ as
117 **provided in subsection 19 of this section.**

118 ~~[6-]~~ **5.** On and after the effective date of any local sales tax imposed under the
119 provisions of the local sales tax law, the director of revenue shall perform all functions incident
120 to the administration, collection, enforcement, and operation of the tax, and the director of
121 revenue shall collect in addition to the sales tax for the state of Missouri all additional local
122 sales taxes authorized under the authority of the local sales tax law. All local sales taxes
123 imposed under the local sales tax law together with all taxes imposed under the sales tax law
124 of the state of Missouri shall be collected together and reported upon such forms and under such
125 administrative rules and regulations as may be prescribed by the director of revenue.

126 ~~[7-]~~ **6.** All applicable provisions contained in ~~[sections 144.010 to 144.525]~~ **chapter**
127 **144** governing the state sales tax and section 32.057, the uniform confidentiality provision, shall
128 apply to the collection of any local sales tax imposed under the local sales tax law except as
129 modified by the local sales tax law.

130 ~~[8-]~~ 7. All exemptions granted to agencies of government, organizations, persons and
131 to the sale of certain articles and items of tangible personal property and taxable services under
132 ~~[the provisions of sections 144.010 to 144.525]~~ **chapter 144**, as these sections now read and as
133 they may hereafter be amended, it being the intent of this general assembly to ensure that the
134 same sales tax exemptions granted from the state sales tax law also be granted under the local
135 sales tax law, are hereby made applicable to the imposition and collection of all local sales taxes
136 imposed under the local sales tax law.

137 ~~[9-]~~ 8. The same sales tax permit, exemption certificate and retail certificate required
138 ~~[by sections 144.010 to 144.525]~~ **under chapter 144** for the administration and collection of
139 the state sales tax shall satisfy the requirements of the local sales tax law, and no additional
140 permit or exemption certificate or retail certificate shall be required; except that the director of
141 revenue may prescribe a form of exemption certificate for an exemption from any local sales
142 tax imposed by the local sales tax law.

143 ~~[10-]~~ 9. All discounts allowed the retailer under the provisions of the state sales tax law
144 for the collection of and for payment of taxes under the provisions of the state sales tax law are
145 hereby allowed and made applicable to any local sales tax collected under the provisions of the
146 local sales tax law.

147 ~~[11-]~~ 10. The penalties provided in section 32.057 and ~~[sections 144.010 to 144.525]~~
148 **chapter 144** for a violation of the provisions of those sections are hereby made applicable to
149 violations of the provisions of the local sales tax law.

150 ~~[12-(1)]~~ 11. For the purposes of any local sales tax imposed by an ordinance or order
151 under the local sales tax law, all sales~~], except the sale of motor vehicles, trailers, boats, and~~
152 ~~outboard motors required to be titled under the laws of the state of Missouri, shall be deemed~~
153 ~~to be consummated at the place of business of the retailer unless the tangible personal property~~
154 ~~sold is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer~~
155 ~~has more than one place of business in this state which participates in the sale, the sale shall be~~
156 ~~deemed to be consummated at the place of business of the retailer where the initial order for the~~
157 ~~tangible personal property is taken, even though the order must be forwarded elsewhere for~~
158 ~~acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee~~
159 ~~shall be deemed to be consummated at the place of business from which he works.~~

160 ~~(2)~~ For the purposes of any local sales tax imposed by an ordinance or order under the
161 local sales tax law, the sales tax upon the titling of all motor vehicles, trailers, boats, and
162 outboard motors shall be imposed at the rate in effect at the location of the residence of the
163 purchaser, and remitted to that local taxing entity, and not at the place of business of the retailer,
164 or the place of business from which the retailer's agent or employee works.

165 ~~———— (3) For the purposes of any local tax imposed by an ordinance or under the local sales~~
166 ~~tax law on charges for mobile telecommunications services, all taxes of mobile~~
167 ~~telecommunications service shall be imposed as provided in the Mobile Telecommunications~~
168 ~~Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended] shall be sourced as provided~~
169 **by sections 144.111 to 144.114.**

170 ~~[13-]~~ **12.** Local sales taxes shall not be imposed on the seller of motor vehicles, trailers,
171 boats, and outboard motors required to be titled under the laws of the state of Missouri, but shall
172 be collected from the purchaser by the director of revenue at the time application is made for
173 a certificate of title, if the address of the applicant is within a taxing entity imposing a local sales
174 tax under the local sales tax law.

175 ~~[14-]~~ **13.** The director of revenue and any of his deputies, assistants and employees who
176 have any duties or responsibilities in connection with the collection, deposit, transfer,
177 transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the
178 hands of the director of revenue under the provisions of the local sales tax law shall enter a
179 surety bond or bonds payable to any and all taxing entities in whose behalf such funds have
180 been collected under the local sales tax law in the amount of one hundred thousand dollars for
181 each such tax; but the director of revenue may enter into a blanket bond covering himself and
182 all such deputies, assistants and employees. The cost of any premium for such bonds shall be
183 paid by the director of revenue from the share of the collections under the sales tax law retained
184 by the director of revenue for the benefit of the state.

185 ~~[15-]~~ **14.** The director of revenue shall annually report on his management of each trust
186 fund which is created under the local sales tax law and administration of each local sales tax
187 imposed under the local sales tax law. He shall provide each taxing entity imposing one or
188 more local sales taxes authorized by the local sales tax law with a detailed accounting of the
189 source of all funds received by him for the taxing entity. Notwithstanding any other provisions
190 of law, the state auditor shall annually audit each trust fund. A copy of the director's report and
191 annual audit shall be forwarded to each taxing entity imposing one or more local sales taxes.

192 ~~[16-]~~ **15.** Within the boundaries of any taxing entity where one or more local sales taxes
193 have been imposed, if any person is delinquent in the payment of the amount required to be paid
194 by him under the local sales tax law or in the event a determination has been made against him
195 for taxes and penalty under the local sales tax law, the limitation for bringing suit for the
196 collection of the delinquent tax and penalty shall be the same as that provided in ~~[sections~~
197 ~~144.010 to 144.525]~~ **chapter 144.** Where the director of revenue has determined that suit must
198 be filed against any person for the collection of delinquent taxes due the state under the state
199 sales tax law, and where such person is also delinquent in payment of taxes under the local sales
200 tax law, the director of revenue shall notify the taxing entity in the event any person fails or

201 refuses to pay the amount of any local sales tax due so that appropriate action may be taken by
202 the taxing entity.

203 ~~[17.]~~ **16.** Where property is seized by the director of revenue under the provisions of
204 any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the
205 tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment
206 of any tax imposed by the local sales tax law, the director of revenue shall permit the taxing
207 entity to join in any sale of property to pay the delinquent taxes and penalties due the state and
208 to the taxing entity under the local sales tax law. The proceeds from such sale shall first be
209 applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such
210 taxing entity.

211 ~~[18.]~~ **17.** If a local sales tax has been in effect for at least one year under the provisions
212 of the local sales tax law and voters approve reimposition of the same local sales tax at the same
213 rate at an election as provided for in the local sales tax law prior to the date such tax is due to
214 expire, the tax so reimposed shall become effective ~~[the first day of the first calendar quarter~~
215 ~~after the director receives a certified copy of the ordinance, order or resolution accompanied by~~
216 ~~a map clearly showing the boundaries thereof and the results of such election, provided that~~
217 ~~such ordinance, order or resolution and all necessary accompanying materials are received by~~
218 ~~the director at least thirty days prior to the expiration of such tax]~~ **as provided by subsection**
219 **19 of this section.** Any administrative cost or expense incurred by the state as a result of the
220 provisions of this subsection shall be paid by the city or county reimposing such tax.

221 **18. If the boundaries of a city in which a sales tax has been imposed shall**
222 **thereafter be changed or altered, the city clerk shall forward to the director of revenue,**
223 **by United States registered mail or certified mail, a certified copy of the ordinance adding**
224 **or detaching territory from the city within ten days of adoption of the ordinance. The**
225 **ordinance shall reflect the effective date of the ordinance and shall be accompanied by a**
226 **map of the city clearly showing the territory added or detached from the city boundaries.**
227 **Upon receipt of the ordinance and map, the tax imposed under the local sales tax law shall**
228 **be effective in the added territory or abolished in the detached territory on the first day**
229 **of a calendar quarter after one hundred twenty days' notice to sellers.**

230 **19. (1) The effective date for the imposition, repeal, or rate change of each local**
231 **sales and use tax is the first day of the calendar quarter after a minimum of one hundred**
232 **twenty days' notice to sellers. In all cases where notice is required to be made to the**
233 **director of revenue by a local taxing jurisdiction, such notice shall be made at least one**
234 **hundred twenty days prior to the effective date for the imposition, repeal, or rate change**
235 **of a local sales and use tax.**

236 **(2) The effective date for any local jurisdiction boundary change for sales and use**
237 **tax purposes is the first day of the calendar quarter after a minimum of one hundred**
238 **twenty days' notice to sellers.**

66.620. 1. All county sales taxes collected by the director of revenue under sections
2 66.600 to 66.630 on behalf of any county[; less one percent for cost of collection which shall
3 be deposited in the state's general revenue fund after payment of premiums for surety bonds as
4 provided in section 32.087;] shall be deposited in a special trust fund, which is hereby created,
5 to be known as the "County Sales Tax Trust Fund". [The moneys in the county sales tax trust
6 fund shall not be deemed to be state funds and shall not be commingled with any funds of the
7 state.] The director of revenue shall keep accurate records of the amount of money in the trust
8 fund which was collected in each county imposing a county sales tax, and the records shall be
9 open to the inspection of officers of the county and the public. Not later than the tenth day of
10 each month, the director of revenue shall distribute all moneys deposited in the trust fund during
11 the preceding month to the county which levied the tax; such funds shall be deposited with the
12 treasurer of the county and all expenditures of funds arising from the county sales tax trust fund
13 shall be by an appropriation act to be enacted by the legislative council of the county, and to the
14 cities, towns and villages located wholly or partly within the county which levied the tax in the
15 manner as set forth in sections 66.600 to 66.630.

16 2. In any county not adopting an additional sales tax and alternate distribution system
17 as provided in section 67.581, for the purposes of distributing the county sales tax, the county
18 shall be divided into two groups, "Group A" and "Group B". Group A shall consist of all cities,
19 towns and villages which are located wholly or partly within the county which levied the tax
20 and which had a city sales tax in effect under the provisions of sections 94.500 to 94.550 on the
21 day prior to the adoption of the county sales tax ordinance, except that beginning January 1,
22 1980, group A shall consist of all cities, towns and villages which are located wholly or partly
23 within the county which levied the tax and which had a city sales tax approved by the voters of
24 such city under the provisions of sections 94.500 to 94.550 on the day prior to the effective date
25 of the county sales tax. For the purposes of determining the location of consummation of sales
26 for distribution of funds to cities, towns and villages in group A, the boundaries of any such
27 city, town or village shall be the boundary of that city, town or village as it existed on March
28 19, 1984. Group B shall consist of all cities, towns and villages which are located wholly or
29 partly within the county which levied the tax and which did not have a city sales tax in effect
30 under the provisions of sections 94.500 to 94.550 on the day prior to the adoption of the county
31 sales tax ordinance, and shall also include all unincorporated areas of the county which levied
32 the tax; except that, beginning January 1, 1980, group B shall consist of all cities, towns and
33 villages which are located wholly or partly within the county which levied the tax and which

34 did not have a city sales tax approved by the voters of such city under the provisions of sections
35 94.500 to 94.550 on the day prior to the effective date of the county sales tax and shall also
36 include all unincorporated areas of the county which levied the tax.

37 3. Until January 1, 1994, the director of revenue shall distribute to the cities, towns and
38 villages in group A the taxes based on the location in which the sales were deemed
39 consummated under section 66.630 and subsection [H2] 11 of section 32.087. Except for
40 distribution governed by section 66.630, after deducting the distribution to the cities, towns and
41 villages in group A, the director of revenue shall distribute the remaining funds in the county
42 sales tax trust fund to the cities, towns and villages and the county in group B as follows: to the
43 county which levied the tax, a percentage of the distributable revenue equal to the percentage
44 ratio that the population of the unincorporated areas of the county bears to the total population
45 of group B; and to each city, town or village in group B located wholly within the taxing county,
46 a percentage of the distributable revenue equal to the percentage ratio that the population of
47 such city, town or village bears to the total population of group B; and to each city, town or
48 village located partly within the taxing county, a percentage of the distributable revenue equal
49 to the percentage ratio that the population of that part of the city, town or village located within
50 the taxing county bears to the total population of group B.

51 4. From January 1, 1994, until December 31, 2016, the director of revenue shall
52 distribute to the cities, towns and villages in group A a portion of the taxes based on the location
53 in which the sales were deemed consummated under section 66.630 and subsection [H2] 11 of
54 section 32.087 in accordance with the formula described in this subsection and in subsection
55 6. After deducting the distribution to the cities, towns and villages in group A, the director of
56 revenue shall distribute funds in the county sales tax trust fund to the cities, towns and villages
57 and the county in group B as follows: to the county which levied the tax, ten percent multiplied
58 by the percentage of the population of unincorporated county which has been annexed or
59 incorporated since April 1, 1993, multiplied by the total of all sales tax revenues countywide,
60 and a percentage of the remaining distributable revenue equal to the percentage ratio that the
61 population of unincorporated areas of the county bears to the total population of group B; and
62 to each city, town or village in group B located wholly within the taxing county, a percentage
63 of the remaining distributable revenue equal to the percentage ratio that the population of such
64 city, town or village bears to the total population of group B; and to each city, town or village
65 located partly within the taxing county, a percentage of the remaining distributable revenue
66 equal to the percentage ratio that the population of that part of the city, town or village located
67 within the taxing county bears to the total population of group B.

68 5. (1) From and after January 1, 2017, in each year in which the total revenues from
69 the county sales tax collected under sections 66.600 to 66.630 in the previous calendar year are

70 less than or equal to the amount of such revenues which were collected in the calendar year
71 2014, the director of revenue shall distribute to the cities, towns, and villages in group A and
72 the cities, towns, and villages, and the county in group B, the amounts required to be distributed
73 under the formula described in subsection 4 and in subsection 6 of this section. From and after
74 January 1, 2017, in each year in which the total revenues from the county sales tax collected
75 under sections 66.600 to 66.630 in the previous calendar year is greater than the amount of such
76 revenues which were collected in the calendar year 2014, the director of revenue shall distribute
77 to the cities, towns, and villages in group A a portion of the taxes based on the location in which
78 the sales were deemed consummated under section 66.630 and subsection ~~[12]~~ **11** of section
79 32.087, in accordance with the formula described in this subsection and in subsection 6. After
80 deducting the distribution to the cities, towns, and villages in group A, the director of revenue
81 shall, subject to the limitation described in subdivision (2) of this subsection, distribute funds
82 in the county sales tax trust fund to the cities, towns, and villages, and the county in group B as
83 follows: to the county which levied the tax, ten percent multiplied by the percentage of the
84 population of unincorporated county which has been annexed or incorporated since April 1,
85 1993, multiplied by the total of all sales tax revenues countywide, and a percentage of the
86 remaining distributable revenue equal to the percentage ratio that the population of
87 unincorporated areas of the county bears to the total population of group B as adjusted such that
88 no city, town, or village in group B shall receive a distribution that is less than fifty percent of
89 the amount of taxes generated within such city, town, or village based on the location in which
90 the sales were deemed consummated under section 66.630 and subsection ~~[12]~~ **11** of section
91 32.087; and to each city, town, or village in group B located wholly within the taxing county,
92 a percentage of the remaining distributable revenue equal to the percentage ratio that the
93 population of such city, town, or village bears to the total population of group B, as adjusted
94 such that no city, town, or village in group B shall receive a distribution that is less than fifty
95 percent of the amount of taxes generated within such city, town, or village based on the location
96 in which the sales were deemed consummated under section 66.630 and subsection ~~[12]~~ **11** of
97 section 32.087; and to each city, town, or village located partly within the taxing county, a
98 percentage of the remaining distributable revenue equal to the percentage ratio that the
99 population of that part of the city, town, or village located within the taxing county bears to the
100 total population of group B, as adjusted such that no city, town, or village in group B shall
101 receive a distribution that is less than fifty percent of the amount of taxes generated within such
102 city, town, or village based on the location in which the sales were deemed consummated under
103 section 66.630 and subsection ~~[12]~~ **11** of section 32.087.

104 (2) For purposes of making any adjustment required by this subsection, the director of
105 revenue shall, prior to any distribution to the county or to each city, town, or village in group

106 B located wholly or partly within the taxing county, identify each city, town, or village in group
107 B located wholly or partly within the taxing county that would receive a distribution that is less
108 than fifty percent of the amount of taxes generated within such city, town, or village based on
109 the location in which the sales were deemed consummated under section 66.630 and subsection
110 ~~[12]~~ **11** of section 32.087 if no adjustments were made and calculate the difference between the
111 amount that the distribution to each such city, town, or village would have been without any
112 adjustment and the amount that equals fifty percent of the amount of taxes generated within
113 such city, town, or village based on the location in which the sales were deemed consummated
114 under section 66.630 and subsection ~~[12]~~ **11** of section 32.087. Thereafter, the director of
115 revenue shall determine the amount of any adjustment under this subsection as follows:

116 (a) If the aggregate amount of the difference calculated in accordance with this
117 subsection is less than or equal to the aggregate increase in the remaining distributable revenue
118 for the applicable period in the current calendar year over the remaining distributable revenue
119 for the corresponding period in the calendar year 2014, the director of revenue shall deduct the
120 amount of such difference from the remaining distributable revenue and distribute an allocable
121 portion of the amount of such difference to each city, town, or village that would otherwise have
122 received a distribution that is less than fifty percent of the amount of taxes generated within
123 such city, town, or village based on the location in which the sales were deemed consummated
124 under section 66.630 and subsection ~~[12]~~ **11** of section 32.087 if no adjustment were made, such
125 that each such city, town, or village receives a distribution that is equal to fifty percent of the
126 amount of taxes generated within such city, town, or village based on the location in which the
127 sales were deemed consummated under section 66.630 and subsection ~~[12]~~ **11** of section
128 32.087;

129 (b) If, however, the aggregate amount of the difference calculated in accordance with
130 this subsection is greater than the aggregate increase in the remaining distributable revenue for
131 the applicable period in the current calendar year over the remaining distributable revenue for
132 the corresponding period in the calendar year 2014, the director of revenue shall deduct from
133 the remaining distributable revenue an amount equal to the difference between the remaining
134 distributable revenue for the applicable period in the current calendar year and the remaining
135 distributable revenue for the corresponding period in the calendar year 2014 and distribute an
136 allocable portion of the amount of such difference to each city, town, or village that would
137 otherwise have received a distribution that is less than fifty percent of the amount of taxes
138 generated within such city, town, or village based on the location in which the sales were
139 deemed consummated under section 66.630 and subsection ~~[12]~~ **11** of section 32.087 if no
140 adjustment were made, such that each such city, town, or village receives a distribution that
141 includes an adjustment that is proportionate to the amount of the adjustment that would

142 otherwise have been made if such adjustment were calculated in accordance with paragraph (a)
143 of this subdivision;

144 (c) After determining the amount of the adjustment and making the allocation in
145 accordance with paragraph (a) or (b) of this subdivision, as applicable, the director of revenue
146 shall thereafter distribute the remaining distributable revenue, as adjusted, to the county and to
147 each city, town, or village in group B located wholly or partly within the taxing county in the
148 manner provided in this subsection.

149 (3) For purposes of this subsection, if a city, town, or village is partly in group A and
150 partly in group B, the director of revenue shall calculate fifty percent of the amount of taxes
151 generated within such city, town, or village based on the location in which the sales were
152 deemed consummated under section 66.630 and subsection ~~[12]~~ **11** of section 32.087 by
153 multiplying fifty percent by the amount of all county sales taxes collected by the director of
154 revenue under sections 66.600 to 66.630~~[, less one percent for cost of collection,]~~ that are
155 generated within such city, town, or village based on the location in which the sales were
156 deemed consummated under section 66.630 and subsection ~~[12]~~ **11** of section 32.087, regardless
157 of whether such taxes are deemed consummated in group A or group B.

158 6. (1) For purposes of administering the distribution formula of subsections 4 and 5 of
159 this section, the revenues arising each year from sales occurring within each group A city, town
160 or village shall be distributed as follows: until such revenues reach the adjusted county average,
161 as hereinafter defined, there shall be distributed to the city, town or village all of such revenues
162 reduced by the percentage which is equal to ten percent multiplied by the percentage of the
163 population of unincorporated county which has been annexed or incorporated after April 1,
164 1993; and once revenues exceed the adjusted county average, total revenues shall be shared in
165 accordance with the redistribution formula as defined in this subsection.

166 (2) For purposes of this subsection, the "adjusted county average" is the per capita
167 countywide average of all sales tax distributions during the prior calendar year reduced by the
168 percentage which is equal to ten percent multiplied by the percentage of the population of
169 unincorporated county which has been annexed or incorporated after April 1, 1993; the
170 redistribution formula is as follows: during 1994, each group A city, town and village shall
171 receive that portion of the revenues arising from sales occurring within the municipality that
172 remains after deducting therefrom an amount equal to the cumulative sales tax revenues arising
173 from sales within the municipality multiplied by the percentage which is the sum of ten percent
174 multiplied by the percentage of the population of unincorporated county which has been
175 annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to
176 the product of 8.5 multiplied by the logarithm (to base 10) of the product of 0.035 multiplied
177 by the total of cumulative per capita sales taxes arising from sales within the municipality less

178 the adjusted county average. During 1995, each group A city, town and village shall receive
179 that portion of the revenues arising from sales occurring within the municipality that remains
180 after deducting therefrom an amount equal to the cumulative sales tax revenues arising from
181 sales within the municipality multiplied by the percentage which is the sum of ten percent
182 multiplied by the percentage of the population of unincorporated county which has been
183 annexed or incorporated after April 1, 1993, and the percentage, if greater than zero, equal to
184 the product of seventeen multiplied by the logarithm (to base 10) of the product of 0.035
185 multiplied by the total of cumulative per capita sales taxes arising from sales within the
186 municipality less the adjusted county average. From January 1, 1996, until January 1, 2000,
187 each group A city, town and village shall receive that portion of the revenues arising from sales
188 occurring within the municipality that remains after deducting therefrom an amount equal to the
189 cumulative sales tax revenues arising from sales within the municipality multiplied by the
190 percentage which is the sum of ten percent multiplied by the percentage of the population of
191 unincorporated county which has been annexed or incorporated after April 1, 1993, and the
192 percentage, if greater than zero, equal to the product of 25.5 multiplied by the logarithm (to base
193 10) of the product of 0.035 multiplied by the total of cumulative per capita sales taxes arising
194 from sales within the municipality less the adjusted county average. From and after January 1,
195 2000, the distribution formula covering the period from January 1, 1996, until January 1, 2000,
196 shall continue to apply, except that the percentage computed for sales arising within the
197 municipalities shall be not less than 7.5 percent for municipalities within which sales tax
198 revenues exceed the adjusted county average, nor less than 12.5 percent for municipalities
199 within which sales tax revenues exceed the adjusted county average by at least twenty-five
200 percent.

201 (3) For purposes of applying the redistribution formula to a municipality which is partly
202 within the county levying the tax, the distribution shall be calculated alternately for the
203 municipality as a whole, except that the factor for annexed portion of the county shall not be
204 applied to the portion of the municipality which is not within the county levying the tax, and for
205 the portion of the municipality within the county levying the tax. Whichever calculation results
206 in the larger distribution to the municipality shall be used.

207 (4) Notwithstanding any other provision of this section, the fifty percent of additional
208 sales taxes as described in section 99.845 arising from economic activities within the area of
209 a redevelopment project established after July 12, 1990, ~~pursuant to~~ **under** sections 99.800
210 to 99.865, while tax increment financing remains in effect shall be deducted from all
211 calculations of countywide sales taxes, shall be distributed directly to the municipality involved,
212 and shall be disregarded in calculating the amounts distributed or distributable to the
213 municipality. Further, any agreement, contract or covenant entered into prior to July 12, 1990,

214 between a municipality and any other political subdivision which provides for an appropriation
215 of incremental sales tax revenues to the special allocation fund of a tax increment financing
216 project while tax increment financing remains in effect shall continue to be in full force and
217 effect and the sales taxes so appropriated shall be deducted from all calculations of countywide
218 sales taxes, shall be distributed directly to the municipality involved, and shall be disregarded
219 in calculating the amounts distributed or distributable to the municipality. In addition, and
220 notwithstanding any other provision of this chapter to the contrary, economic development
221 funds shall be distributed in full to the municipality in which the sales producing them were
222 deemed consummated. Additionally, economic development funds shall be deducted from all
223 calculations of countywide sales taxes and shall be disregarded in calculating the amounts
224 distributed or distributable to the municipality. As used in this subdivision, the term "economic
225 development funds" means the amount of sales tax revenue generated in any fiscal year by
226 projects authorized ~~[pursuant to]~~ **under** chapter 99 or chapter 100 in connection with which
227 such sales tax revenue was pledged as security for, or was guaranteed by a developer to be
228 sufficient to pay, outstanding obligations under any agreement authorized by chapter 100,
229 entered into or adopted prior to September 1, 1993, between a municipality and another public
230 body. The cumulative amount of economic development funds allowed under this provision
231 shall not exceed the total amount necessary to amortize the obligations involved.

232 7. If the qualified voters of any city, town or village vote to change or alter its
233 boundaries by annexing any unincorporated territory included in group B or if the qualified
234 voters of one or more city, town or village in group A and the qualified voters of one or more
235 city, town or village in group B vote to consolidate, the area annexed or the area consolidated
236 which had been a part of group B shall remain a part of group B after annexation or
237 consolidation. After the effective date of the annexation or consolidation, the annexing or
238 consolidated city, town or village shall receive a percentage of the group B distributable revenue
239 equal to the percentage ratio that the population of the annexed or consolidated area bears to the
240 total population of group B and such annexed area shall not be classified as unincorporated area
241 for determination of the percentage allocable to the county. If the qualified voters of any two
242 or more cities, towns or villages in group A each vote to consolidate such cities, towns or
243 villages, then such consolidated cities, towns or villages shall remain a part of group A. For the
244 purpose of sections 66.600 to 66.630, population shall be as determined by the last federal
245 decennial census or the latest census that determines the total population of the county and all
246 political subdivisions therein. For the purpose of calculating the adjustment based on the
247 percentage of unincorporated county population which is annexed after April 1, 1993, the
248 accumulated percentage immediately before each census shall be used as the new percentage
249 base after such census. After any annexation, incorporation or other municipal boundary change

250 affecting the unincorporated area of the county, the chief elected official of the county shall
251 certify the new population of the unincorporated area of the county and the percentage of the
252 population which has been annexed or incorporated since April 1, 1993, to the director of
253 revenue. After the adoption of the county sales tax ordinance, any city, town or village in group
254 A may by adoption of an ordinance by its governing body cease to be a part of group A and
255 become a part of group B. Within ten days after the adoption of the ordinance transferring the
256 city, town or village from one group to the other, the clerk of the transferring city, town or
257 village shall forward to the director of revenue, by registered mail, a certified copy of the
258 ordinance. Distribution to such city as a part of its former group shall cease and as a part of its
259 new group shall begin on the first day of January of the year following notification to the
260 director of revenue, provided such notification is received by the director of revenue on or
261 before the first day of July of the year in which the transferring ordinance is adopted. If such
262 notification is received by the director of revenue after the first day of July of the year in which
263 the transferring ordinance is adopted, then distribution to such city as a part of its former group
264 shall cease and as a part of its new group shall begin the first day of July of the year following
265 such notification to the director of revenue. Once a group A city, town or village becomes a
266 part of group B, such city may not transfer back to group A.

267 8. If any city, town or village shall hereafter change or alter its boundaries, the city clerk
268 of the municipality shall forward to the director of revenue, by registered mail, a certified copy
269 of the ordinance adding or detaching territory from the municipality. The ordinance shall reflect
270 the effective date thereof, and shall be accompanied by a map of the municipality clearly
271 showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and
272 map, the tax imposed by sections 66.600 to 66.630 shall be redistributed and allocated in
273 accordance with the provisions of this section on the effective date of the change of the
274 municipal boundary so that the proper percentage of group B distributable revenue is allocated
275 to the municipality in proportion to any annexed territory. If any area of the unincorporated
276 county elects to incorporate subsequent to the effective date of the county sales tax as set forth
277 in sections 66.600 to 66.630, the newly incorporated municipality shall remain a part of group
278 B. The city clerk of such newly incorporated municipality shall forward to the director of
279 revenue, by registered mail, a certified copy of the incorporation election returns and a map of
280 the municipality clearly showing the boundaries thereof. The certified copy of the incorporation
281 election returns shall reflect the effective date of the incorporation. Upon receipt of the
282 incorporation election returns and map, the tax imposed by sections 66.600 to 66.630 shall be
283 distributed and allocated in accordance with the provisions of this section on the effective date
284 of the incorporation.

285 9. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the
286 amounts in the trust fund and credited to any county for erroneous payments and overpayments
287 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.
288 If any county abolishes the tax, the county shall notify the director of revenue of the action ~~[at~~
289 ~~least ninety days]~~ prior to the effective date of the repeal and the director of revenue may order
290 retention in the trust fund, for a period of one year, of two percent of the amount collected after
291 receipt of such notice to cover possible refunds or overpayment of the tax and to redeem
292 dishonored checks and drafts deposited to the credit of such accounts. After one year has
293 elapsed after the effective date of abolition of the tax in such county, the director of revenue
294 shall remit the balance in the account to the county and close the account of that county. The
295 director of revenue shall notify each county of each instance of any amount refunded or any
296 check redeemed from receipts due the county.

297 10. Except as modified in sections 66.600 to 66.630, all provisions of sections 32.085
298 ~~[and]~~ to 32.087 shall apply to the tax imposed under sections 66.600 to 66.630.

67.395. 1. All sales taxes collected by the director of revenue under sections 67.391
2 to 67.395 on behalf of any county~~[-less one percent for cost of collection which shall be~~
3 ~~deposited in the state's general revenue fund after payment of premiums for surety bonds as~~
4 ~~provided in section 32.087]~~ shall be deposited with the state treasurer in a special trust fund,
5 which is hereby created, to be known as the "County Anti-Drug Sales Tax Trust Fund". ~~[The~~
6 ~~moneys in the county anti-drug sales tax trust fund shall not be deemed to be state funds and~~
7 ~~shall not be commingled with any funds of the state.]~~ The director of revenue shall keep
8 accurate records of the amount of money in the trust fund which was collected in each county
9 imposing a sales tax under sections 67.391 to 67.395, and the records shall be open to the
10 inspection of officers of the county and the public. Not later than the tenth day of each month,
11 the director of revenue shall distribute all moneys deposited in the trust fund during the
12 preceding month to the county which levied the tax. Such funds shall be deposited with the
13 county treasurer of each such county, and all expenditures of funds arising from the county
14 anti-drug sales tax trust fund shall be by an appropriation act to be enacted by the governing
15 body of each such county.

16 2. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the
17 amounts in the trust fund and credited to any county for erroneous payments and overpayments
18 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.
19 If any county abolishes the tax, the county shall notify the director of revenue of the action ~~[at~~
20 ~~least ninety days prior to the effective date of the repeal]~~ and the director of revenue may order
21 retention in the trust fund, for a period of one year, of two percent of the amount collected after
22 receipt of such notice to cover possible refunds or overpayment of the tax and to redeem

23 dishonored checks and drafts deposited to the credit of such accounts. After one year has
24 elapsed after the effective date of abolition of the tax in such county, the director of revenue
25 shall ~~[authorize the state treasurer to]~~ remit the balance in the account to the county and close
26 the account of that county. The director of revenue shall notify each county of each instance
27 of any amount refunded or any check redeemed from receipts due the county.

28 3. Except as modified in sections 67.391 to 67.395, all provisions of sections 32.085
29 ~~[and] to 32.087~~ shall apply to the tax imposed under sections 67.391 to 67.395.

67.525. 1. All county sales taxes collected by the director of revenue under sections
2 67.500 to 67.545 on behalf of any county ~~[-less one percent for cost of collection, which shall
3 be deposited in the state's general revenue fund after payment of premiums for surety bonds as
4 provided in section 32.087,]~~ shall be deposited with the state treasurer in a county sales tax trust
5 fund, which fund shall be separate and apart from the county sales tax trust fund established by
6 section 66.620. ~~[The moneys in such county sales tax trust fund shall not be deemed to be state
7 funds and shall not be commingled with any funds of the state.]~~ The director of revenue shall
8 keep accurate records of the amount of money in the trust fund which was collected in each
9 county imposing a county sales tax, and the records shall be open to the inspection of officers
10 of the county and to the public. Not later than the tenth day of each month the director of
11 revenue shall distribute all moneys deposited in the trust fund during the preceding month by
12 distributing to the county treasurer, or such other officer as may be designated by the county
13 ordinance or order, of each county imposing the tax authorized by sections 67.500 to 67.545,
14 the sum due the county as certified by the director of revenue.

15 2. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the
16 amounts in the trust fund and credited to any county for erroneous payments and overpayments
17 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.
18 If any county abolishes the tax, the county shall notify the director of revenue of the action ~~[at
19 least ninety days prior to the effective date of the repeal,]~~ and the director of revenue may order
20 retention in the trust fund, for a period of one year, of two percent of the amount collected after
21 receipt of such notice to cover possible refunds or overpayment of the tax and to redeem
22 dishonored checks and drafts deposited to the credit of such accounts. After one year has
23 elapsed after the effective date of abolition of the tax in such county, the director of revenue
24 shall ~~[authorize the state treasurer to]~~ remit the balance in the account to the county and close
25 the account of that county. The director of revenue shall notify each county of each instance
26 of any amount refunded or any check redeemed from receipts due the county.

27 3. Except as modified in sections 67.500 to 67.545, all provisions of sections 32.085
28 ~~[and] to 32.087~~ shall apply to the tax imposed under sections 67.500 to 67.545.

67.571. 1. The governing body of any county of the first classification with a population of more than eighty-two thousand inhabitants and less than ninety thousand inhabitants may, in addition to any tourism sales tax imposed ~~[pursuant to]~~ **under** sections 67.671 to 67.685, by a majority vote, impose a sales tax **on all retail sales made in the county which are subject to sales tax under chapter 144** for the funding of museums and festivals. For purposes of this section, the term "funding of museums and festivals" shall mean:

(1) Funding of museums operating in the county, which are registered with the United States Internal Revenue Service as a 501(C)(3) corporation and which are considered by the board to be tourism attractions; and

(2) Funding of organizations that are registered as 501(C)(3) corporations which promote cultural heritage tourism including festivals and the arts.

2. Any question submitted to the voters of such county to establish a sales tax ~~[pursuant to]~~ **under** this section shall be submitted in substantially the following form:

Shall the county of _____ (insert the name of the county) impose a sales tax of _____ (insert rate of percent) percent to be used to fund (museums, cultural heritage, festivals) in certain areas of the county?

YES

NO

3. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, and the tax takes effect ~~[pursuant to]~~ **under** this section, the museums and festivals board appointed ~~[pursuant to]~~ **under** subsection 5 of this section shall determine in what manner the tax revenue moneys will be expended, and disbursements of these moneys shall be made strictly in accordance with directions of the board which are consistent with the provisions of sections 67.571 to 67.577. Expenditures of these tax moneys may be made for the employment of personnel selected by the board to assist in carrying out the duties of the board, and the board is expressly authorized to employ such personnel. Expenditures of these tax moneys may be made directly to corporations ~~[pursuant to]~~ **under** subsection 1 of this section. No such tax revenue moneys shall be disbursed to or on behalf of any corporation, organization or entity that is not duly registered with the Internal Revenue Service as a 501(C)(3) organization.

4. Any sales tax imposed ~~[pursuant to]~~ **under** this section shall be imposed at a rate not to exceed two-tenths of one percent on receipts from the sale of certain tangible personal property or taxable services within the county ~~[pursuant to]~~ **under** sections 67.571 to 67.577.

5. The governing body of any county which imposes a sales tax ~~[pursuant to]~~ **under** this section may establish a museums and festivals board for the purpose of expending funds collected from any sales tax submitted and approved by the county's voters ~~[pursuant to]~~ **under** this section. The board shall be comprised of six members who are appointed by the governing

37 body of the county from a list of candidates supplied by the chair of each of the two major
38 political parties of the county. The board shall be comprised of three members from each of the
39 two political parties. Members shall serve for three-year terms, but of the members first
40 appointed, one shall be appointed for a term of one year, two shall be appointed for a term of
41 two years, and two shall be appointed for a term of three years. Each member shall be a resident
42 of the county from which he or she is appointed. The members of the board shall not receive
43 compensation for service on the board, but shall be reimbursed from the tax revenue money for
44 any reasonable and necessary expenses incurred in service on the board.

45 6. In the area of each county in which a sales tax has been imposed in the manner
46 provided by sections 67.571 to 67.577, every retailer within such area shall add the tax imposed
47 by the provisions of sections 67.571 to 67.577 to his **or her** sale price, and this tax shall be a
48 debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same
49 manner as the purchase price.

50 7. In counties imposing a tax under the provisions of sections 67.571 to 67.577, in order
51 to permit sellers required to collect and report the sales tax to collect the amount required to be
52 reported and remitted, but not to change the requirements of reporting or remitting the tax, or
53 to serve as a levy of the tax, and in order to avoid fractions of pennies, the ~~[governing body may
54 authorize the use of a bracket system similar to that]~~ **tax shall be calculated as** authorized by
55 the provisions of section 144.285~~], and notwithstanding the provisions of that section, this new
56 bracket system shall be used where this tax is imposed and shall apply to all taxable
57 transactions].~~

58 **8. Except as modified in this section, all provisions of sections 32.085 to 32.087**
59 **shall apply to the tax imposed under this section.**

60 67.576. 1. The following provisions shall govern the collection of the tax imposed by
2 the provisions of sections 67.571 to 67.577:

3 (1) All applicable provisions contained in ~~[sections 144.010 to 144.510]~~ **chapter 144**
4 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall
5 apply to the collection of the tax imposed by the provisions of sections 67.571 to 67.577;

6 (2) All exemptions granted to agencies of government, organizations, and persons under
7 the provisions of ~~[sections 144.010 to 144.510]~~ **chapter 144** are hereby made applicable to the
8 imposition and collection of the tax imposed by sections 67.571 to 67.577.

9 2. The same sales tax permit, exemption certificate and retail certificate required ~~[by
10 sections 144.010 to 144.510]~~ **under chapter 144** for the administration and collection of the
11 state sales tax shall satisfy the requirements of sections 67.571 to 67.577, and no additional
12 permit or exemption certificate or retail certificate shall be required; except that, the director of

13 revenue may prescribe a form of exemption certificate for an exemption from the tax imposed
14 by sections 67.571 to 67.577.

15 3. All discounts allowed the retailer ~~[pursuant to]~~ **under** the provisions of the state sales
16 tax law for the collection of and for payment of taxes ~~[pursuant to]~~ **under** that act are hereby
17 allowed and made applicable to any taxes collected ~~[pursuant to]~~ **under** the provisions of
18 sections 67.571 to 67.577.

19 4. The penalties provided ~~[in]~~ **under** section 32.057 and ~~[sections 144.010 to 144.510]~~
20 **chapter 144** for a violation of those acts are hereby made applicable to violations of the
21 provisions of sections 67.571 to 67.577.

22 5. ~~[For the purposes of the sales tax imposed by an order pursuant to sections 67.571~~
23 ~~to 67.577, all retail sales shall be deemed to be consummated at the place of business of the~~
24 ~~retailer]~~ **Except as provided in sections 67.571 to 67.577, all provisions of sections 32.085**
25 **to 32.087 shall apply to the tax imposed under sections 67.571 to 67.577.**

67.578. 1. The governing authority of any county of the third classification without a
2 township form of government and with more than sixteen thousand four hundred but less than
3 sixteen thousand five hundred inhabitants may impose a sales tax in an amount not to exceed
4 one-fifth of one percent on all retail sales made in the county which are subject to taxation
5 ~~[pursuant to sections 144.010 to 144.525]~~ **under chapter 144**, to be used solely for the funding
6 of museums. For purposes of this section, the term "museums" means museums operating in
7 the county, which are registered with the United States Internal Revenue Service as a 501(c)(3)
8 corporation and which are considered by the board to be a tourism attraction. The tax
9 authorized by this section shall be in addition to any and all other sales taxes allowed by law,
10 except that no sales tax shall be imposed ~~[pursuant to]~~ **under** this section unless the governing
11 authority submits to the voters of the county, at a county or state general, primary, or special
12 election, a proposal to authorize the governing authority to impose the tax.

13 2. The ballot of submission shall contain, but need not be limited to, the following
14 language:

15 Shall the county of _____ (insert the name of the county) impose a
16 sales tax of _____ (insert rate of percent) percent for the funding of museums?
17 "Museums" means museums operating in the county, which are registered with the United
18 States Internal Revenue Service as a 501(c)(3) corporation and which are considered by the
19 museum board to be a tourism attraction.

20 YES NO

21
22 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
23 to the question, place an "X" in the box opposite "NO".

24

25 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
26 of the proposal, then the sales tax shall become effective ~~[on the first day of the second calendar~~
27 ~~quarter after the director of revenue receives notice of the adoption of the tax]~~ **as provided by**
28 **subsection 19 of section 32.087**. If the proposal receives less than the required majority of
29 votes, then the governing authority shall have no power to impose the tax unless and until the
30 governing authority has again submitted another proposal to authorize the governing authority
31 to impose the sales tax authorized by this section and such proposal is approved by the required
32 majority of the qualified voters voting thereon.

33 3. On or after the effective date of the tax, the director of revenue shall be responsible
34 for the administration, collection, enforcement, and operation of the tax, and sections 32.085
35 ~~[and] to 32.087 shall apply. [The director may retain an amount not to exceed one percent for~~
36 ~~deposit in the general revenue fund to offset the costs of collection.]~~ In order to permit sellers
37 required to collect and report the sales tax to collect the amount required to be reported and
38 remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a
39 levy of the tax, and in order to avoid fractions of pennies, the ~~[governing authority may~~
40 ~~authorize the use of a bracket system similar to that]~~ **tax shall be calculated as** authorized ~~[in]~~
41 **under** section 144.285~~], and notwithstanding the provisions of that section, this new bracket~~
42 ~~system shall be used where this tax is imposed and shall apply to all taxable transactions].~~
43 Beginning with the effective date of the tax, every retailer in the county shall add the sales tax
44 to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall
45 be recoverable at law in the same manner as the purchase price. For purposes of this section,
46 all retail sales shall be deemed to be consummated at the place of business of the retailer.

47 4. All applicable provisions in ~~[sections 144.010 to 144.525]~~ **chapter 144** governing
48 the state sales tax, and section 32.057, the uniform confidentiality provision, shall apply to the
49 collection of the tax, and all exemptions granted to agencies of government, organizations, and
50 persons ~~[pursuant to sections 144.010 to 144.525]~~ **under chapter 144** are hereby made
51 applicable to the imposition and collection of the tax. The same sales tax permit, exemption
52 certificate, and retail certificate required ~~[by sections 144.010 to 144.525]~~ **under chapter 144**
53 for the administration and collection of the state sales tax shall satisfy the requirements of this
54 section, and no additional permit or exemption certificate or retail certificate shall be required;
55 except that, the director of revenue may prescribe a form of exemption certificate for an
56 exemption from the tax. All discounts allowed the retailer ~~[pursuant to]~~ **under** the state sales
57 tax law for the collection of and for payment of taxes are hereby allowed and made applicable
58 to the tax. The penalties for violations provided ~~[in]~~ **under** section 32.057 and ~~[sections~~
59 ~~144.010 to 144.525]~~ **chapter 144** are hereby made applicable to violations of this section. If

60 any person is delinquent in the payment of the amount required to be paid ~~[pursuant to]~~ **under**
 61 this section, or in the event a determination has been made against the person for taxes and
 62 penalty ~~[pursuant to]~~ **under** this section, the limitation for bringing suit for the collection of the
 63 delinquent tax and penalty shall be the same as that provided ~~[in sections 144.010 to 144.525]~~
 64 **under chapter 144.**

65 5. The governing authority may authorize any museum board already existing in the
 66 county, or may establish a museum board, to expend revenue collected ~~[pursuant to]~~ **under** this
 67 section. In the event that no museum board already exists, the board established ~~[pursuant to]~~
 68 **under** this section shall consist of six members who are appointed by the governing authority
 69 from a list of candidates supplied by the chair of each of the two major political parties of the
 70 county, with three members from each of the two parties. Members shall serve for three-year
 71 terms, but of the members first appointed, ~~[one]~~ **two** shall be appointed for a term of one year,
 72 two shall be appointed for a term of two years, and two shall be appointed for a term of three
 73 years. Each member shall be a resident of the county. The members shall not receive
 74 compensation for service on the board, but shall be reimbursed from the revenues collected
 75 ~~[pursuant to]~~ **under** this section for any reasonable and necessary expenses incurred in service
 76 on the board. The board shall determine in what manner the revenues will be expended, and
 77 disbursements of these moneys shall be made strictly in accordance with this section.
 78 Expenditures may be made for the employment of personnel selected by the board to assist in
 79 carrying out the duties of the board, and the board is expressly authorized to employ such
 80 personnel.

81 6. The governing authority may submit the question of repeal of the tax to the voters
 82 at any county or state general, primary, or special election. The ballot of submission shall
 83 contain, but need not be limited to, the following language:

84 Shall the county of _____ (insert name of county) repeal the sales tax
 85 of _____ (insert rate of percent) percent for the funding of museums?

86 YES NO

87

88 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
 89 to the question, place an "X" in the box opposite "NO". ~~[If a majority of the votes cast on the~~
 90 ~~proposal are in favor of repeal, that repeal shall become effective on December thirty-first of~~
 91 ~~the calendar year in which the repeal was approved.]~~

2 67.581. 1. In addition to the sales tax permitted by sections 66.600 to 66.630, any
 3 county of the first class having a charter form of government and having a population of nine
 4 hundred thousand or more may impose an additional countywide sales tax **on all retail sales**
 4 **made in the county which are subject to sales tax under chapter 144** upon approval by a

5 vote of the qualified voters of the county. The proposal may be submitted to the voters by the
 6 governing body of the county and shall be submitted to the voters at the next general election
 7 upon petitions signed by a number of qualified voters residing in the county equal to at least
 8 eight percent of the votes cast in the county in the next preceding gubernatorial election filed
 9 with the governing body of the county. The submission shall include the levying of a sales tax
 10 at a rate of not to exceed two hundred seventy-five one-thousandths of one percent on the
 11 receipts from the sale at retail of all tangible personal property or taxable services within the
 12 county which are also taxable under the provisions of sections 66.600 to 66.630, and shall
 13 provide for the distribution of the proceeds in the manner provided in either subsection 4 or
 14 subsection 5 of this section. If either of the alternative distribution systems as provided in
 15 subsection 4 or subsection 5 of this section is approved by the voters, then the alternative system
 16 of distribution may not be submitted to the voters for at least three years from the date of such
 17 voter approval.

18 2. The ballot of submission shall contain, but is not limited to, the following language:

19 Shall the County of _____ levy an additional sales tax at the rate of
 20 _____ (insert rate **of percent**) and distribute the proceeds in the manner provided in
 21 _____ (insert proper reference) (subsection 4)(subsection 5) of section
 22 67.581, RSMo?

23 YES NO

24
 25 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
 26 of the proposal, the additional sales tax shall be levied and collected and the proceeds from the
 27 additional tax shall be distributed as provided in either subsection 4 or subsection 5 of this
 28 section. If a majority of the votes cast by the qualified voters voting thereon are opposed to the
 29 proposal, then the governing body of the county shall have no power to impose the additional
 30 sales tax authorized by this section unless and until a proposal for the levy of such tax is
 31 submitted to and approved by the voters of the county.

32 3. The provisions of sections 66.600 to 66.630 and sections 32.085 ~~[and]~~ **to** 32.087,
 33 except to the extent otherwise provided in this section, shall govern the levy, collection,
 34 distribution and other procedures related to an additional sales tax imposed ~~[pursuant to]~~ **under**
 35 this section.

36 4. In any county adopting an additional sales tax ~~[pursuant to]~~ **under** the provisions of
 37 this section, and selecting the method of distribution provided in this subsection, the proceeds
 38 from the sales tax imposed ~~[pursuant to]~~ **under** this section, less one percent collection cost,
 39 shall be distributed first to those municipalities that did not receive during the preceding
 40 calendar year ninety-five percent of the amount the municipality would have received by

41 multiplying the population of the municipality by the average per capita sales tax receipt for
 42 such county in an amount which will bring each municipality receipt of sales tax moneys up to
 43 ninety-five percent of the average per capita receipts from the proceeds of the sales tax imposed
 44 ~~[pursuant to]~~ **under** sections 66.600 to 66.630. Any remainder of the money received from the
 45 sales tax imposed ~~[pursuant to]~~ **under** this section shall be distributed to all municipalities on
 46 the ratio that the population of each municipality bears to the total population of the county.
 47 The average per capita sales tax distribution shall be calculated by dividing the sum of the total
 48 sales tax revenue derived from the tax imposed ~~[pursuant to]~~ **under** sections 66.600 to 66.630
 49 by the total population of the county. Population of each municipality, of the unincorporated
 50 area of the county, and the total population of the county shall be determined on the basis of the
 51 most recent federal decennial census. For the purposes of this subsection, any city, town,
 52 village or the unincorporated area of the county shall be considered a municipality.

53 5. In any county adopting an additional sales tax ~~[pursuant to the provisions of]~~ **under**
 54 this section and selecting the method of distribution provided in this subsection, the proceeds
 55 from the sales tax imposed ~~[pursuant to]~~ **under** this section, less one percent collection cost,
 56 shall be distributed to all cities, towns and villages, and the unincorporated areas of the county
 57 in group B and to such cities, towns and villages in group A as necessary so that no city, town,
 58 or village in group A receives from the combined proceeds of both the sales tax imposed
 59 ~~[pursuant to]~~ **under** this section and the sales tax imposed ~~[pursuant to]~~ **under** sections 66.600
 60 to 66.630, less than the per capita amount received by the cities, towns and villages and the
 61 unincorporated area of the county in group B receives from the total proceeds from both sales
 62 taxes.

63 6. The governing body of any county which is imposing a sales tax under the provisions
 64 of sections 66.600 to 66.630 may on its own motion and shall, upon petitions filed with the
 65 governing body of the county signed by a number of qualified voters residing in the county
 66 equal to at least eight percent of the votes cast in the county at the next preceding gubernatorial
 67 election, submit to the qualified voters of the county a proposal to change the method of
 68 distribution of sales tax proceeds from the manner provided in subsection 2 of section 66.620
 69 to the method provided in this subsection. The ballot of submission shall be in substantially the
 70 following form:

71 Shall the proceeds from the county sales tax be distributed among the county of
 72 _____ and the various cities, towns and villages therein in the manner
 73 provided in subdivisions (1) and (2) of subsection 6 of section 67.581, RSMo, in lieu of the
 74 present manner of distribution?

75 YES NO

76

77 If a majority of the votes cast on the proposal by the qualified voters of the county voting
78 thereon are in favor of the proposal, the sales tax imposed by the county under the provisions
79 of sections 66.600 to 66.630 shall be distributed in the manner provided in this subsection and
80 not in the manner provided in subsection 2 of section 66.620. If a majority of the votes cast by
81 the qualified voters of the county voting thereon are opposed to the proposal, then the governing
82 body of the county shall have no power to order the proceeds from the sales tax imposed
83 ~~[pursuant to the provisions of]~~ **under** sections 66.600 to 66.630 in the manner provided in this
84 subsection in lieu of the method provided in subsection 2 of section 66.620, unless and until a
85 proposal authorizing such method of distribution is submitted to and approved by the voters of
86 the county. If the voters approve the change in the method of distribution of the sales tax
87 proceeds in the manner provided in this subsection, the county clerk of the county shall notify
88 the director of revenue of the change in the method of distribution within ten days after adoption
89 of the proposal and shall inform the director of the effective date of the change in the method
90 of distribution, which shall be on the first day of the third calendar quarter after the director of
91 revenue receives notice. After the effective date of the change in the manner of distribution, the
92 director of revenue shall distribute the proceeds of the sales tax imposed by such county under
93 the provisions of sections 66.600 to 66.630 in the manner provided in this subsection in lieu of
94 the manner of distribution provided in subsection 2 of section 66.620. The proceeds of the sales
95 tax imposed under the provisions of sections 66.600 to 66.630 in any county which elects to
96 have the proceeds distributed in the manner provided in this subsection shall be distributed in
97 the following manner:

98 (1) The proceeds from the sales taxes shall be distributed to the cities, towns and
99 villages in group A and to the cities, towns and villages, and the county in group B as defined
100 in section 66.620 in the manner provided in subsection 2 of section 66.620, until an amount
101 equal to the total amount distributed under section 66.620 for the twelve-month period
102 immediately preceding the effective date of the tax levied ~~[pursuant to the provisions of]~~ **under**
103 this section has been distributed;

104 (2) All moneys received in excess of the total amount distributed under section 66.620
105 for the twelve-month period immediately preceding the effective date of the tax levied ~~[pursuant~~
106 ~~to the provisions of]~~ **under** this section shall be distributed to all cities, towns and villages and
107 to the county on the basis that the population of each city, town or village, and in the case of the
108 county the basis that the population of the unincorporated area of the county, bears to the total
109 population of the county. The average per capita sales tax distribution shall be calculated by
110 dividing the sum of the remaining amount of the total sales tax revenues by the total population
111 of the county. Population of each city, town or village, of the unincorporated area of the county,

112 and the total population of the county shall be determined on the basis of the most recent federal
113 decennial census.

114 7. No municipality incorporated after the adoption of the tax authorized by this section
115 shall be included as other than part of the unincorporated area of the county nor receive any
116 share of either the proceeds from the tax levied ~~[pursuant to the provisions of]~~ **under** this
117 section or the tax levied ~~[pursuant to the provisions of]~~ **under** sections 66.600 to 66.630 unless,
118 at the time of incorporation, such municipality had a population of ten thousand or more.

119 8. The county sales tax imposed ~~[pursuant to]~~ **under** this section on the purchase and
120 sale of motor vehicles shall not be collected and remitted by the seller, but shall be collected by
121 the director of revenue at the time application is made for a certificate of title, if the address of
122 the applicant is within the county imposing the additional sales tax. ~~[The amounts so collected,
123 less one percent collection cost, shall be deposited in the county sales tax trust fund to be
124 distributed in accordance with section 66.620. The purchase or sale of motor vehicles shall be
125 deemed to be consummated at the address of the applicant for a certificate of title.]~~

126 9. No tax shall be imposed ~~[pursuant to]~~ **under** this section for the purpose of funding
127 in whole or in part the construction, operation or maintenance of a sports stadium, field house,
128 indoor or outdoor recreational facility, center, playing field, parking facility or anything
129 incidental or necessary to a complex suitable for any type of professional sport, either upon,
130 above or below the ground.

131 10. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the
132 amounts in the trust fund and credited to any county for erroneous payments and overpayments
133 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.
134 If any county abolishes the tax, the county shall notify the director of revenue of the action ~~[at
135 least ninety days]~~ prior to the effective date of the repeal and the director of revenue may order
136 retention in the trust fund, for a period of one year, of two percent of the amount collected after
137 receipt of such notice to cover possible refunds or overpayment of the tax and to redeem
138 dishonored checks and drafts deposited to the credit of such accounts. After one year has
139 elapsed after the effective date of abolition of the tax in such county, the director of revenue
140 shall remit the balance in the account to the county and close the account of that county. The
141 director of revenue shall notify each county of each instance of any amount refunded or any
142 check redeemed from receipts due the county.

67.582. 1. The governing body of any county, except a county of the first class with a
2 charter form of government with a population of greater than four hundred thousand inhabitants,
3 is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to
4 one-half of one percent on all retail sales made in such county which are subject to taxation
5 under ~~[the provisions of sections 144.010 to 144.525]~~ **chapter 144** for the purpose of providing

6 law enforcement services for such county. The tax authorized by this section shall be in
7 addition to any and all other sales taxes allowed by law, except that no ordinance or order
8 imposing a sales tax under the provisions of this section shall be effective unless the governing
9 body of the county submits to the voters of the county, at a county or state general, primary or
10 special election, a proposal to authorize the governing body of the county to impose a tax.

11 2. The ballot of submission shall contain, but need not be limited to, the following
12 language:

13 (1) If the proposal submitted involves only authorization to impose the tax authorized
14 by this section the ballot shall contain substantially the following:

15 Shall the county of _____ (county's name) impose a countywide sales
16 tax of _____ (insert ~~amount~~ **rate of percent**) for the purpose of providing law
17 enforcement services for the county?

18 YES NO

19

20 If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed
21 to the question, place an "X" in the box opposite "No"; or

22 (2) If the proposal submitted involves authorization to enter into agreements to form
23 a regional jail district and obligates the county to make payments from the tax authorized by this
24 section the ballot shall contain substantially the following:

25 Shall the county of _____ (county's name) be authorized to enter into
26 agreements for the purpose of forming a regional jail district and obligating the county to
27 impose a countywide sales tax of _____ (insert ~~amount~~ **rate of percent**) to fund
28 _____ dollars of the costs to construct a regional jail and to fund the costs
29 to operate a regional jail, with any funds in excess of that necessary to construct and operate
30 such jail to be used for law enforcement purposes?

31 YES NO

32

33 If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed
34 to the question, place an "X" in the box opposite "No".

35

36 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
37 of the proposal submitted ~~[pursuant to]~~ **under** subdivision (1) of this subsection, then the
38 ordinance or order and any amendments thereto shall be in effect ~~[on the first day of the second~~
39 ~~quarter immediately following the election approving the proposal]~~ **as provided by subsection**
40 **19 of section 32.087**. If the constitutionally required percentage of the voters voting thereon
41 are in favor of the proposal submitted ~~[pursuant to]~~ **under** subdivision (2) of this subsection,

42 then the ordinance or order and any amendments thereto shall be in effect ~~[on the first day of~~
43 ~~the second quarter immediately following the election approving the proposal]~~ **as provided by**
44 **subsection 19 of section 32.087**. If a proposal receives less than the required majority, then the
45 governing body of the county shall have no power to impose the sales tax herein authorized
46 unless and until the governing body of the county shall again have submitted another proposal
47 to authorize the governing body of the county to impose the sales tax authorized by this section
48 and such proposal is approved by the required majority of the qualified voters voting thereon.
49 However, in no event shall a proposal ~~[pursuant to]~~ **under** this section be submitted to the
50 voters sooner than twelve months from the date of the last proposal ~~[pursuant to]~~ **under** this
51 section.

52 3. All revenue received by a county from the tax authorized under the provisions of this
53 section shall be deposited in a special trust fund and shall be used solely for providing law
54 enforcement services for such county for so long as the tax shall remain in effect. Revenue
55 placed in the special trust fund may also be utilized for capital improvement projects for law
56 enforcement facilities and for the payment of any interest and principal on bonds issued for said
57 capital improvement projects.

58 4. Once the tax authorized by this section is abolished or is terminated by any means,
59 all funds remaining in the special trust fund shall be used solely for providing law enforcement
60 services for the county. Any funds in such special trust fund which are not needed for current
61 expenditures may be invested by the governing body in accordance with applicable laws relating
62 to the investment of other county funds.

63 5. All sales taxes collected by the director of revenue under this section on behalf of any
64 county ~~[, less one percent for cost of collection which shall be deposited in the state's general~~
65 ~~revenue fund after payment of premiums for surety bonds as provided in section 32.087,]~~ shall
66 be deposited in a special trust fund, which is hereby created, to be known as the "County Law
67 Enforcement Sales Tax Trust Fund". ~~[The moneys in the county law enforcement sales tax trust~~
68 ~~fund shall not be deemed to be state funds and shall not be commingled with any funds of the~~
69 ~~state.]~~ The director of revenue shall keep accurate records of the amount of money in the trust
70 and which was collected in each county imposing a sales tax under this section, and the records
71 shall be open to the inspection of officers of the county and the public. Not later than the tenth
72 day of each month the director of revenue shall distribute all moneys deposited in the trust fund
73 during the preceding month to the county which levied the tax; such funds shall be deposited
74 with the county treasurer of each such county, and all expenditures of funds arising from the
75 county law enforcement sales tax trust fund shall be by an appropriation act to be enacted by
76 the governing body of each such county. Expenditures may be made from the fund for any law

77 enforcement functions authorized in the ordinance or order adopted by the governing body
 78 submitting the law enforcement tax to the voters.

79 6. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the
 80 amounts in the trust fund and credited to any county for erroneous payments and overpayments
 81 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.
 82 If any county abolishes the tax, **the repeal of such tax shall become effective as provided in**
 83 **subsection 19 of section 32.087**. The county shall notify the director of revenue of the action
 84 ~~[at least ninety days]~~ prior to the effective date of the repeal and the director of revenue may
 85 order retention in the trust fund, for a period of one year, of two percent of the amount collected
 86 after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem
 87 dishonored checks and drafts deposited to the credit of such accounts. After one year has
 88 elapsed after the effective date of abolition of the tax in such county, the director of revenue
 89 shall remit the balance in the account to the county and close the account of that county. The
 90 director of revenue shall notify each county of each instance of any amount refunded or any
 91 check redeemed from receipts due the county.

92 7. Except as modified in this section, all provisions of sections 32.085 ~~[and]~~ to 32.087
 93 shall apply to the tax imposed under this section.

67.583. 1. The governing body of any county of the second class with a population of
 2 more than forty thousand but less than sixty thousand and which contains institutions operated
 3 by the department of corrections and by the department of mental health is hereby authorized
 4 to impose, by ordinance or order, a sales tax in the amount of one-eighth of one percent on all
 5 retail sales made in such county which are subject to taxation under ~~[the provisions of sections~~
 6 ~~144.010 to 144.525]~~ **chapter 144**. The tax authorized by this section shall be in addition to any
 7 and all other sales taxes allowed by law; provided, however, that no ordinance or order
 8 imposing a sales tax under the provisions of this section shall be effective unless the governing
 9 body of the county submits to the voters of the county, at a county or state general, primary or
 10 special election, a proposal to authorize the governing body of the county to impose a tax.

11 2. The ballot of submission shall contain, but need not be limited to, the following
 12 language:

13 Shall the county of _____ (county's name) impose a countywide sales
 14 tax of _____ (insert ~~[amount]~~ **rate of percent**) for the purpose of providing retirement
 15 and health care benefits for county employees and their dependents?

16 YES NO

17

18 If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed
 19 to the question, place an "X" in the box opposite "No".

20

21 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
22 of the proposal, then the ordinance or order and any amendments thereto shall be in effect **as**
23 **provided by subsection 19 of section 32.087**. If a majority of the votes cast by the qualified
24 voters voting are opposed to the proposal, then the governing body of the county shall have no
25 power to impose the sales tax herein authorized unless and until the governing body of the
26 county shall again have submitted another proposal to authorize the governing body of the
27 county to impose the sales tax authorized by this section and such proposal is approved by a
28 majority of the qualified voters voting thereon. However, in no event shall a proposal [~~pursuant~~
29 ~~to~~] **under** this section be submitted to the voters sooner than twelve months from the date of
30 the last proposal [~~pursuant to~~] **under** this section.

31 3. All revenue received by a county from the tax authorized under [~~the provisions of~~
32 this section shall be deposited in a special trust fund and shall be used solely for providing
33 retirement and health care benefits for county employees and their dependents.

34 4. All sales taxes collected by the director of revenue under this section on behalf of any
35 county [~~, less one percent for cost of collection which shall be deposited in the state's general~~
36 ~~revenue fund after payment of premiums for surety bonds as provided in section 32.087,~~] shall
37 be deposited in a special trust fund, which is hereby created, to be known as the "County
38 Employee Benefit Sales Tax Trust Fund". [~~The moneys in the county employee benefit sales~~
39 ~~tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds~~
40 ~~of the state.~~] The director of revenue shall keep accurate records of the amount of money in the
41 trust and which was collected in each county imposing a sales tax under this section, and the
42 records shall be open to the inspection of officers of the county and the public. Not later than
43 the tenth day of each month, the director of revenue shall distribute all moneys deposited in the
44 trust fund during the preceding month to the county which levied the tax. Such funds shall be
45 deposited with the county treasurer of each such county, and all expenditures of funds arising
46 from the county employee benefit sales tax trust fund shall be for the provision of retirement
47 benefits or health care benefits for employees of the county and their dependents and for no
48 other purpose.

49 5. The director of revenue may [~~authorize the state treasurer to~~] make refunds from the
50 amounts in the trust fund and credited to any county for erroneous payments and overpayments
51 made and may redeem dishonored checks and drafts deposited to the credit of such counties.
52 If any county abolishes the tax, the county shall notify the director of revenue of the action [~~at~~
53 ~~least ninety days~~] prior to the effective date of the repeal and the director of revenue may order
54 retention in the trust fund, for a period of one year, of two percent of the amount collected after
55 receipt of such notice to cover possible refunds or overpayment of the tax and to redeem

56 dishonored checks and drafts deposited to the credit of such accounts. After one year has
 57 elapsed after the effective date of abolition of the tax in such county, the director of revenue
 58 shall remit the balance in the account to the county and close the account of that county. The
 59 director of revenue shall notify each county of each instance of any amount refunded or any
 60 check redeemed from receipts due the county.

61 6. Except as modified in this section, all provisions of sections 32.085 ~~and~~ to 32.087
 62 shall apply to the tax imposed under this section.

67.584. 1. The governing body of any county of the first classification with more than
 2 one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred
 3 inhabitants is hereby authorized to impose, by ordinance or order, a sales tax in the amount of
 4 up to one-half percent on all retail sales made in such county which are subject to taxation
 5 ~~[pursuant to sections 144.010 to 144.525]~~ **under chapter 144** for the purpose of providing law
 6 enforcement services for such county. The tax authorized by this section shall be in addition
 7 to any and all other sales taxes allowed by law, except that no ordinance or order imposing a
 8 sales tax ~~[pursuant to]~~ **under** this section shall be effective unless the governing body of the
 9 county submits to the voters of the county, at a county or state general, primary, or special
 10 election, a proposal to authorize the governing body of the county to impose a tax.

11 2. If the proposal submitted involves only authorization to impose the tax authorized
 12 by this section, the ballot of submission shall contain, but need not be limited to, the following
 13 language:

14 Shall the county of _____ (county's name) impose a countywide sales
 15 tax of _____ (insert ~~amount~~ **rate of percent**) for the purpose of providing law
 16 enforcement services for the county?

17 YES NO

18

19 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
 20 to the question, place an "X" in the box opposite "NO".

21

22 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
 23 of the proposal submitted ~~[pursuant to]~~ **under** this subsection, then the ordinance or order and
 24 any amendments thereto shall be in effect ~~[on the first day of the second quarter immediately~~
 25 ~~following the election approving the proposal]~~ **as provided by subsection 19 of section 32.087.**

26 If a proposal receives less than the required majority, then the governing body of the county
 27 shall have no power to impose the sales tax herein authorized unless and until the governing
 28 body of the county shall again have submitted another proposal to authorize the governing body
 29 of the county to impose the sales tax authorized by this section and such proposal is approved

30 by the required majority of the qualified voters voting thereon. However, in no event shall a
31 proposal ~~[pursuant to]~~ **under** this section be submitted to the voters sooner than twelve months
32 from the date of the last proposal ~~[pursuant to]~~ **under** this section.

33 3. Twenty-five percent of the revenue received by a county treasurer from the tax
34 authorized ~~[pursuant to]~~ **under** this section shall be deposited in a special trust fund and shall
35 be used solely by a prosecuting attorney's office for such county for so long as the tax shall
36 remain in effect. The remainder of revenue shall be deposited in the county law enforcement
37 sales tax trust fund established ~~[pursuant to]~~ **under** section 67.582 of the county levying the tax
38 ~~[pursuant to]~~ **under** this section. The revenue derived from the tax imposed ~~[pursuant to]~~
39 **under** this section shall be used for public law enforcement services only. No revenue derived
40 from the tax imposed ~~[pursuant to]~~ **under** this section shall be used for any private contractor
41 providing law enforcement services or for any private jail.

42 4. Once the tax authorized ~~[by]~~ **under** this section is abolished or is terminated by any
43 means, all funds remaining in the prosecuting attorney's trust fund shall be used solely by a
44 prosecuting attorney's office for the county. Any funds in such special trust fund which are not
45 needed for current expenditures may be invested by the governing body in accordance with
46 applicable laws relating to the investment of other county funds.

47 5. All sales taxes collected by the director of revenue ~~[pursuant to]~~ **under** this section
48 on behalf of any county~~], less one percent for cost of collection which shall be deposited in the~~
49 ~~state's general revenue fund after payment of premiums for surety bonds as provided in section~~
50 ~~32.087,]~~ shall be deposited in a special trust fund, which is hereby created, to be known as the
51 "County Prosecuting Attorney's Office Sales Tax Trust Fund" or in the county law enforcement
52 sales tax trust fund, ~~[pursuant to]~~ **under** the deposit ratio in subsection 3 of this section. ~~[The~~
53 ~~moneys in the trust funds shall not be deemed to be state funds and shall not be commingled~~
54 ~~with any funds of the state.]~~ The director of revenue shall keep accurate records of the amount
55 of money in the trusts and which was collected in each county imposing a sales tax ~~[pursuant~~
56 ~~to]~~ **under** this section, and the records shall be open to the inspection of officers of the county
57 and the public. Not later than the tenth day of each month the director of revenue shall
58 distribute all moneys deposited in the trust funds during the preceding month to the county
59 which levied the tax; such funds shall be deposited with the county treasurer of each such
60 county, and all expenditures of funds arising from either trust fund shall be by an appropriation
61 act to be enacted by the governing body of each such county. Expenditures may be made from
62 the funds for any functions authorized in the ordinance or order adopted by the governing body
63 submitting the tax to the voters.

64 6. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the
65 amounts in the trust funds and credited to any county for erroneous payments and overpayments

66 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.
67 If any county abolishes the tax, **the repeal of such tax shall become effective as provided in**
68 **subsection 19 of section 32.087.** The county shall notify the director of revenue of the action
69 ~~[at least ninety days]~~ before the effective date of the repeal and the director of revenue may
70 order retention in the appropriate trust fund, for a period of one year, of two percent of the
71 amount collected after receipt of such notice to cover possible refunds or overpayments of the
72 tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After
73 one year has elapsed after the effective date of abolition of the tax in such county, the director
74 of revenue shall remit the balance in the account to the county and close the account of that
75 county established ~~[pursuant to]~~ **under** this section. The director of revenue shall notify each
76 county of each instance of any amount refunded or any check redeemed from receipts due the
77 county.

78 7. Except as modified in this section, all provisions of sections 32.085 ~~[and]~~ **to 32.087**
79 shall apply to the tax imposed ~~[pursuant to]~~ **under** this section.

67.712. 1. All sales taxes collected by the director of revenue under sections 67.700
2 to 67.727 on behalf of any county~~[-less one percent for the cost of collection, which shall be~~
3 ~~deposited in the state's general revenue fund after payment of premiums for surety bonds as~~
4 ~~provided in section 32.087,]~~ shall be deposited with the state treasurer in a special trust fund,
5 which is hereby created, to be known as the "County Alternate Sales Tax Trust Fund". ~~[The~~
6 ~~moneys in the county alternate sales tax trust fund shall not be deemed to be state funds and~~
7 ~~shall not be commingled with any funds of the state.]~~ The director of revenue shall keep
8 accurate records of the amount of money in the trust fund which was collected in each county
9 imposing a sales tax under sections 67.700 to 67.727, and the records shall be open to the
10 inspection of officers of each county and the general public. Not later than the tenth day of each
11 month the director of revenue shall distribute all moneys deposited in the trust fund during the
12 preceding month by distributing to the county treasurer, or such other officer as may be
13 designated by the county ordinance or order, of each county imposing the tax authorized by
14 sections 67.700 to 67.727, the sum, as certified by the director of revenue, due the county.

15 2. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the
16 amounts in the trust fund and credited to any county for erroneous payments and overpayments
17 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.
18 If any county repeals the tax authorized by sections 67.700 to 67.727, the county shall notify the
19 director of revenue of the action ~~[at least ninety days]~~ prior to the effective date of the repeal,
20 and **the repeal shall be effective as provided by subsection 19 of section 32.087.** The
21 director of revenue may order retention in the trust fund, for a period of one year, of two percent
22 of the amount collected after receipt of such notice to cover possible refunds or overpayment

23 of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts.
24 After one year has elapsed after the effective date of repeal of the tax authorized by sections
25 67.700 to 67.727 in such county, the director of revenue shall ~~[authorize the state treasurer to]~~
26 remit the balance in the account to the county and close the account of that county. The director
27 of revenue shall notify each county of each instance of any amount refunded or any check
28 redeemed from receipts due the county.

29 3. Except as modified in sections 67.700 to 67.727, all provisions of sections 32.085
30 ~~[and]~~ to 32.087 shall apply to the tax imposed under sections 67.700 to 67.727.

67.713. 1. Notwithstanding the provisions of section 67.712, as to the disposition of
2 any other sales tax imposed under the provisions of sections 67.700 to 67.727, one-fifth of the
3 sales taxes collected by the director of revenue from the tax authorized by section 67.701 on
4 behalf of any county of the first class having a charter form of government and having a
5 population of nine hundred thousand or more~~[, less one percent for cost of collection, which
6 shall be deposited in the state's general revenue fund after payment of premiums for surety
7 bonds as provided in sections 67.700 to 67.727,]~~ shall be deposited in a special trust fund,
8 which is hereby created, to be known as the "County-Municipal Storm Water and Public Works
9 Sales Tax Trust Fund". ~~[The moneys in the county-municipal storm water and public works
10 sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any
11 funds of the state.]~~ The director of revenue shall keep accurate records of the amount of money
12 in the trust fund which was collected in each county and the records shall be open to the
13 inspection of officers of the county and of the municipalities within the county and the public.
14 Not later than the tenth day of each month, the director ~~[of the department]~~ of revenue shall
15 distribute all moneys deposited in the county-municipal storm water and public works sales tax
16 trust fund during the preceding month to the county which levied the tax, and the municipalities
17 which are located wholly or partially within such county as follows:

18 (1) The county which levied the sales tax shall receive a percentage of the distributable
19 revenue equal to the percentage ratio that the population of the unincorporated areas of the
20 county bears to the total population of the county;

21 (2) Each municipality located wholly within the county which levied the tax shall
22 receive a percentage of the distributable revenue equal to the percentage ratio that the
23 population of such municipality bears to the total population of the county; and

24 (3) Each municipality located partially within the county which levied the tax shall
25 receive a percentage of the distributable revenue equal to the percentage ratio that the
26 population of that part of the municipality located within the county bears to the total population
27 of the county.

28 2. The director of revenue may make refunds from the amounts in the county-municipal
29 storm water and public works sales tax trust fund and credited to any county or municipality for
30 erroneous payments and overpayments made, and may redeem dishonored checks and drafts
31 deposited to the credit of such county or municipality. If any county abolishes the tax, the
32 county shall notify the director of revenue of the action [~~at least ninety days~~] prior to the
33 effective date of the repeal, and **the repeal shall be effective as provided by subsection 19 of**
34 **section 32.087**. The director of revenue may order retention in the county-municipal storm
35 water and public works sales tax trust fund, for a period of one year, of two percent of the
36 amount collected after receipt of such notice to cover possible refunds or overpayment of the
37 tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After
38 one year has elapsed after the effective date of abolition of the tax in such county, the director
39 of revenue shall remit the balance in the account to the county or municipality and close the
40 account of that county or municipality. The director of revenue shall notify each county or
41 municipality of each instance of any amount refunded or any check redeemed from receipts due
42 the county or municipality.

43 3. If the governing body of any municipality located wholly or partially within the
44 county so requests by resolution, no funds shall be expended from the proceeds of any tax
45 imposed under section 67.701 within the corporate boundaries of the requesting municipality
46 for the construction, reconstruction or widening of any road established or to be established
47 [~~pursuant to~~] **under** section 137.558, the total cost of which exceeds one hundred thousand
48 dollars unless: (a) a public hearing is first held at a place near such proposed action; and (b)
49 plans and specifications of such proposed action are prepared and a cost-benefit analysis
50 prepared in accordance with accepted accounting principles of such proposed action is presented
51 to such public hearing. Such cost-benefit analysis and its work papers shall be a public
52 document and subject to inspection as provided in chapter 610. The provisions of this
53 subsection shall not apply to proposed projects in unincorporated areas of the county.

67.729. 1. Any county except any first class county having a charter form of
2 government and having a population of nine hundred thousand or more may, in the same
3 manner and by the same procedure and subject to the same penalties as set out in sections
4 67.700 to 67.727, impose a sales tax of not more than one-tenth of one percent **on all retail**
5 **sales made in the county which are subject to sales tax under chapter 144** for the purpose
6 of funding storm water control and public works projects other than stadiums or other sports
7 facilities. This sales tax shall be in addition to any other sales tax authorized by law.

8 2. Notwithstanding the provisions of section 67.712 as to the disposition of any other
9 sales tax imposed under the provisions of sections 67.700 to 67.727, all sales taxes collected
10 by the director of revenue from the tax authorized by this section on behalf of any county[~~, less~~

11 ~~one percent for cost of collection, which shall be deposited in the state's general revenue fund~~
12 ~~after payment of premiums for surety bonds as provided in section 32.087,]~~ shall be deposited
13 with the state treasurer in a special trust fund, which is hereby created, to be known as the
14 "County Storm Water and Public Works Sales Tax Trust Fund". ~~[The moneys in the county~~
15 ~~storm water and public works sales tax trust fund shall not be deemed to be state funds and shall~~
16 ~~not be commingled with any funds of the state.]~~ The director of revenue shall keep accurate
17 records of the amount of money in the trust fund which was collected in each county imposing
18 a sales tax under this section and the records shall be open to the inspection of officers of the
19 county and the public. Not later than the tenth day of each month the director of revenue shall
20 distribute all moneys deposited in the county storm water and public works sales tax trust fund
21 during the preceding month to the county which levied the tax, and the municipalities which are
22 located wholly or partially within such county as follows:

23 (1) The county which levied the sales tax shall receive a percentage of the distributable
24 revenue equal to the percentage ratio that the population of the unincorporated areas of the
25 county bears to the total population of the county;

26 (2) Each municipality located wholly within the county which levied the tax shall
27 receive a percentage of the distributable revenue equal to the percentage ratio that the
28 population of such municipality bears to the total population of the county; and

29 (3) Each municipality located partially within the county which levied the tax shall
30 receive a percentage of the distributable revenue equal to the percentage ratio that the
31 population of that part of the municipality located within the county bears to the total population
32 of the county.

33 3. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the
34 amounts in the county storm water and public works sales tax trust fund and credited to any
35 county for erroneous payments and overpayments made, and may redeem dishonored checks
36 and drafts deposited to the credit of such counties. If any county abolishes the tax, the county
37 shall notify the director of revenue of the action ~~[at least ninety days]~~ prior to the effective date
38 of the repeal, and **the repeal shall be effective as provided by subsection 19 of section**
39 **32.087**. The director of revenue may order retention in the county storm water and public works
40 sales tax trust fund, for a period of one year, of two percent of the amount collected after receipt
41 of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored
42 checks and drafts deposited to the credit of such accounts. After one year has elapsed after the
43 effective date of abolition of the tax in such county, the director of revenue shall ~~[authorize the~~
44 ~~state treasurer to]~~ remit the balance in the account to the county and close the account of that
45 county. The director of revenue shall notify each county of each instance of any amount
46 refunded or any check redeemed from receipts due the county.

47 **4. Except as modified in this section, all provisions of sections 32.085 to 32.087**
48 **shall apply to the tax imposed under this section.**

2 67.737. Except as modified in sections 67.730 to 67.739, all provisions of sections
32.085 ~~and~~ to 32.087 shall apply to the tax imposed under sections 67.730 to 67.739.

2 67.738. 1. All sales taxes collected by the director of revenue under sections 67.730
3 to 67.739 on behalf of any county~~], less one percent for the cost of collection, which shall be~~
4 ~~deposited in the state's general revenue fund after payment of premiums for surety bonds as~~
5 ~~provided in section 32.087,]~~ shall be deposited with the state treasurer in a special trust fund,
6 which is hereby created, to be known as the "County Capital Improvement Bond Sales Tax
7 Trust Fund". ~~[The moneys in the county capital improvement bond sales tax trust fund shall not~~
8 ~~be deemed to be state funds and shall not be commingled with any funds of the state.]~~ The
9 director of revenue shall keep accurate records of the amount of money in the trust fund which
10 was collected in each county imposing a sales tax under sections 67.730 to 67.739, and the
11 records shall be open to the inspection of officers of each county and the general public. Not
12 later than the tenth day of each month the director of revenue shall distribute all moneys
13 deposited in the trust fund during the preceding month by distributing to the county treasurer,
14 or such other officer as may be designated by the county ordinance or order, of each county
15 imposing the tax authorized by sections 67.730 to 67.739, the sum, as certified by the director
of revenue, due the county.

16 2. The director of revenue may ~~authorize the state treasurer to~~ make ~~refund~~ **refunds**
17 from the amounts in the trust fund and credited to any county for erroneous payments and
18 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of
19 such counties. If any county repeals the tax authorized by sections 67.730 to 67.739, the county
20 shall notify the director of revenue of the action ~~at least ninety days~~ prior to the effective date
21 of the repeal or expiration, and **the repeal shall be effective as provided by subsection 19 of**
22 **section 32.087**. The director of revenue may order retention in the trust fund, for a period of
23 one year, of two percent of the amount collected after receipt of such notice to cover possible
24 refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to
25 the credit of such accounts. After one year has elapsed after the effective date of repeal or
26 expiration of the tax authorized by sections 67.730 to 67.739 in such county, the director of
27 revenue shall remit the balance in the account to the county and close the account of that county.
28 The director of revenue shall notify each county of each instance of any amount refunded or any
29 check redeemed from receipts due the county.

2 67.745. 1. Any county of the third classification without a township form of
3 government and with more than eleven thousand seven hundred fifty but fewer than eleven
thousand eight hundred fifty inhabitants may impose a sales tax throughout the county **on all**

4 **retail sales made in the county which are subject to sales tax under chapter 144** for public
 5 recreational projects and programs, but the sales tax authorized by this section shall not become
 6 effective unless the governing body of such county submits to the qualified voters of the county
 7 a proposal to authorize the county to impose the sales tax.

8 2. The ballot submission shall be in substantially the following form:
 9

10 Shall the County of _____ impose a sales tax of up to one percent for
 11 the purpose of funding the financing, acquisition, construction, operation, and maintenance of
 12 recreational projects and programs, including the acquisition of land for such purposes?

13 YES

NO

14

15 3. If approved by a majority of qualified voters **voting on the issue** in the county, the
 16 governing body of the county shall appoint a board of directors consisting of nine members.
 17 Of the initial members appointed to the board, three members shall be appointed for a term of
 18 three years, three members shall be appointed for a term of two years, and three members shall
 19 be appointed for a term of one year. After the initial appointments, board members shall be
 20 appointed to three-year terms.

21 4. The sales tax may be imposed at a rate of up to one percent on the receipts from the
 22 retail sale of all tangible personal property or taxable service within the county ~~[, if such property~~
 23 ~~and services are subject to taxation by the state of Missouri under sections 144.010 to 144.525].~~

24 5. All revenue collected from the sales tax under this section by the director of revenue
 25 on behalf of a county ~~[, less one percent for the cost of collection which shall be deposited in the~~
 26 ~~state's general revenue fund after payment of premiums for surety bonds as provided in section~~
 27 ~~32.087,]~~ shall be deposited with the state treasurer in a special trust fund, which is hereby
 28 created, to be known as the "County Recreation Sales Trust Fund". ~~[Moneys in the fund shall~~
 29 ~~not be deemed to be state funds and shall not be commingled with any funds of the state.]~~ The
 30 director of revenue shall keep accurate records of the amount of money in the trust fund
 31 collected in each county imposing a sales tax under this section, and the records shall be open
 32 to the inspection of officers of such county and the general public. Not later than the tenth day
 33 of each calendar month, the director of revenue shall distribute all moneys deposited in the trust
 34 fund during the preceding calendar month by distributing to the county treasurer, or such officer
 35 as may be designated by county ordinance or order, of each county imposing the tax under this
 36 section the sum due the county as certified by the director of revenue.

37 6. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the
 38 amounts in the trust fund and credited to any county for erroneous payments and overpayments
 39 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.

40 Each county shall notify the director of revenue [~~at least ninety days~~] prior to the effective date
41 of the expiration of the sales tax authorized by this section, and **the repeal shall be effective**
42 **as provided by subsection 19 of section 32.087**. The director of revenue may order retention
43 in the trust fund for a period of one year of two percent of the amount collected after receipt of
44 such notice to cover possible refunds or overpayments of such tax and to redeem dishonored
45 checks and drafts deposited to the credit of such accounts. After one year has elapsed after the
46 date of expiration of the tax authorized by this section in a county, the director of revenue shall
47 remit the balance in the account to the county and close the account of such county. The
48 director of revenue shall notify each county of each instance of any amount refunded or any
49 check redeemed from receipts due such county.

50 7. The tax authorized under this section may be imposed in accordance with this section
51 by a county in addition to or in lieu of the tax authorized in sections 67.750 to 67.780.

52 8. The sales tax imposed under this section shall expire twenty years from the effective
53 date thereof unless an extension of the tax is submitted to and approved by the qualified voters
54 in the county in the manner provided in this section. Each extension of the sales tax shall be
55 for a period of ten years.

56 9. The provisions of this section shall not in any way affect or limit the powers granted
57 to any county to establish, maintain, and conduct parks and other recreational grounds for public
58 recreation.

59 10. Except as modified in this section, the provisions of sections 32.085 [~~and~~] to 32.087
60 shall apply to the tax imposed under this section.

67.782. 1. Any county of the third class having a population of more than ten thousand
2 and less than fifteen thousand and any county of the second class having a population of more
3 than fifty-eight thousand and less than seventy thousand adjacent to such third class county,
4 both counties making up the same judicial circuit, may jointly impose a sales tax throughout
5 each of their respective counties **on all retail sales made in the county which are subject to**
6 **sales tax under chapter 144** for public recreational purposes including the financing,
7 acquisition, construction, operation and maintenance of recreational projects and programs, but
8 the sales taxes authorized by this section shall not become effective unless the governing body
9 of each such county submits to the voters of their respective counties a proposal to authorize
10 the counties to impose the sales tax.

11 2. The ballot of submission shall be in substantially the following form:

12 Shall the County of _____ impose a sales tax of _____ **(insert**
13 **rate of percent)** percent in conjunction with the county of _____ for the
14 purpose of funding the financing, acquisition, construction, operation and maintenance of
15 recreational projects and programs, including the acquisition of land for such purposes?

16

 YES NO

17

18 If a separate majority of the votes cast on the proposal by the qualified voters voting thereon in
19 each county are in favor of the proposal, then the tax shall be in effect **as provided by section**
20 **32.087** in both counties. If a majority of the votes cast by the qualified voters voting thereon
21 in either county are opposed to the proposal, then the governing body of neither county shall
22 have power to impose the sales tax authorized by this section unless or until the governing body
23 of the county that has not approved the tax shall again have submitted another proposal to
24 authorize the governing body to impose the tax, and the proposal is approved by a majority of
25 the qualified voters voting thereon in that county.

26

27 3. The sales tax may be imposed at a rate of one percent on the receipts from the sale
28 at retail of all tangible personal property or taxable service at retail within the county adopting
29 such tax, if such property and services are subject to taxation by the state of Missouri under ~~[the~~
30 ~~provisions of sections 144.010 to 144.525]~~ **chapter 144.**

31

32 4. All sales taxes collected by the director of revenue under this section on behalf of any
33 county ~~[, less one percent for the cost of collection, which shall be deposited in the state's general~~
34 ~~revenue fund after payment of premiums for surety bonds as provided in section 32.087,]~~ shall
35 be deposited with the state treasurer in a special trust fund, which is hereby created, to be known
36 as the "County Recreation Sales Tax Trust Fund". ~~[The moneys in the county recreation sales~~
37 ~~tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds~~
38 ~~of the state.]~~ The director of revenue shall keep accurate records of the amount of money in the
39 trust fund which was collected in each county imposing a sales tax under this section, and the
40 records shall be open to the inspection of officers of each county and the general public. Not
41 later than the tenth day of each month, the director of revenue shall distribute all moneys
42 deposited in the trust fund during the preceding month by distributing to the county treasurer,
43 or such other officer as may be designated by the county ordinance or order, of each county
44 imposing the tax authorized by this section, the sum, as certified by the director of revenue, due
45 the county.

46

47 5. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the
48 amounts in the trust fund and credited to any county for erroneous payments and overpayments
49 made, and may redeem dishonored checks and drafts deposited to the credit of such counties.
50 Each county shall notify the director of revenue ~~[at least ninety days]~~ prior to the effective date
51 of the expiration of the sales tax authorized by this section, and **the repeal shall be effective**
as provided by subsection 19 of section 32.087. The director of revenue may order retention
in the trust fund, for a period of one year, of two percent of the amount collected after receipt
of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored

52 checks and drafts deposited to the credit of such accounts. After one year has elapsed after the
53 date of expiration of the tax authorized by this section in such county, the director of revenue
54 shall remit the balance in the account to the county and close the account of that county. The
55 director of revenue shall notify each county of each instance of any amount refunded or any
56 check redeemed from receipts due the county.

57 6. The tax authorized by this section may be imposed, in accordance with this section,
58 by a county in addition to or in lieu of the tax authorized by sections 67.750 to 67.780.

59 7. Any county imposing a sales tax ~~[pursuant to the provisions of]~~ **under** this section
60 may contract with the authority of any other county or with any city or political subdivision for
61 the financing, acquisition, operation, construction, maintenance, or utilization of any recreation
62 facility or project or program funded in whole or in part from revenues derived from the tax
63 levied ~~[pursuant to the provisions of]~~ **under** this section.

64 8. The sales tax imposed ~~[pursuant to the provisions of]~~ **under** this section shall expire
65 twenty-five years from the effective date thereof unless an extension of the tax is submitted to
66 and approved by the voters in each county in the manner provided in this section. Each
67 extension of the sales tax shall be for a period of ten years.

68 9. The governing body of each of the counties imposing a sales tax under the provisions
69 of this section may cooperate with the governing body of any county or other political
70 subdivision of this state in carrying out the provisions of this section, and may establish and
71 conduct jointly a system of public recreation. The respective governing bodies administering
72 programs jointly may provide by agreement among themselves for all matters connected with
73 the programs and determine what items of cost and expense shall be paid by each.

74 10. The provisions of this section shall not in any way repeal, affect or limit the powers
75 granted to any county to establish, maintain and conduct parks and other recreational grounds
76 for public recreation.

77 11. Except as modified in this section, all provisions of sections 32.085 ~~[and]~~ **to** 32.087
78 shall apply to the tax imposed under this section.

67.799. 1. A regional recreational district may, by a majority vote of its board of
2 directors, impose an annual property tax for the establishment and maintenance of public parks
3 and recreational facilities and grounds within the boundaries of the regional recreational district
4 not to exceed sixty cents per year on each one hundred dollars of assessed valuation on all
5 property within the district, except that no such tax shall become effective unless the board of
6 directors of the district submits to the voters of the district, at a county or state general, primary
7 or special election, a proposal to authorize the tax.

8 2. The question shall be submitted in substantially the following form:

44 5. As used in this section, "qualified voters" or "voters" means any individuals residing
 45 within the proposed district who are eligible to be registered voters and who have registered to
 46 vote under chapter 115 or, if no individuals eligible and registered to vote reside within the
 47 proposed district, all of the owners of real property located within the proposed district who
 48 have unanimously petitioned for or consented to the adoption of an ordinance by the governing
 49 body imposing a tax authorized in this section. If the owner of the property within the proposed
 50 district is a political subdivision or corporation of the state, the governing body of such political
 51 subdivision or corporation shall be considered the owner for purposes of this section.

67.997. 1. The governing body of any county of the third classification without a
 2 township form of government and with more than eighteen thousand one hundred but fewer
 3 than eighteen thousand two hundred inhabitants may impose, by order or ordinance, a sales tax
 4 on all retail sales made within the county which are subject to sales tax under chapter 144. The
 5 tax authorized in this section shall not exceed one-fourth of one percent, and shall be imposed
 6 solely for the purpose of funding senior services and youth programs provided by the county.
 7 One-half of all revenue collected under this section~~[, less one-half the cost of collection,]~~ shall
 8 be used solely to fund any service or activity deemed necessary by the senior service tax
 9 commission established in this section, and one-half of all revenue collected under this section~~;~~
 10 ~~less one-half the cost of collection,]~~ shall be used solely to fund all youth programs administered
 11 by an existing county community task force. The tax authorized in this section shall be in
 12 addition to all other sales taxes imposed by law, and shall be stated separately from all other
 13 charges and taxes. The order or ordinance shall not become effective unless the governing body
 14 of the county submits to the voters residing within the county at a state general, primary, or
 15 special election a proposal to authorize the governing body of the county to impose a tax under
 16 this section.

17 2. The ballot of submission for the tax authorized in this section shall be in substantially
 18 the following form:

19 Shall _____ (insert the name of the county) impose a sales tax at a
 20 rate of _____ (insert rate of percent) percent, with half of the revenue from the tax, less
 21 one-half the cost of collection, to be used solely to fund senior services provided by the county
 22 and half of the revenue from the tax, less one-half the cost of collection, to be used solely to
 23 fund youth programs provided by the county?

24 YES NO

25

26 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
 27 to the question, place an "X" in the box opposite "NO".

28

29 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
30 of the question, then the tax shall become effective ~~[on the first day of the second calendar~~
31 ~~quarter immediately following the approval of the tax or notification to the department of~~
32 ~~revenue if such tax will be administered by the department of revenue]~~ **as provided by**
33 **subsection 19 of section 32.087.** If a majority of the votes cast on the question by the qualified
34 voters voting thereon are opposed to the question, then the tax shall not become effective unless
35 and until the question is resubmitted under this section to the qualified voters and such question
36 is approved by a majority of the qualified voters voting on the question.

37 3. ~~[On or after the effective date of any tax authorized under this section, the county~~
38 ~~which imposed the tax shall enter into an agreement with the director of the department of~~
39 ~~revenue for the purpose of collecting the tax authorized in this section. On or after the effective~~
40 ~~date of the tax the director of revenue shall be responsible for the administration, collection,~~
41 ~~enforcement, and operation of the tax, and Sections 32.085 and 32.087 shall apply.]~~ All
42 revenue collected under this section by the director of ~~[the department of]~~ revenue on behalf of
43 any county~~], except for one percent for the cost of collection which shall be deposited in the~~
44 ~~state's general revenue fund,]~~ shall be deposited in a special trust fund, which is hereby created
45 and shall be known as the "Senior Services and Youth Programs Sales Tax Trust Fund", and
46 shall be used solely for the designated purposes. ~~[Moneys in the fund shall not be deemed to~~
47 ~~be state funds, and shall not be commingled with any funds of the state.]~~ The director may make
48 refunds from the amounts in the trust fund and credited to the county for erroneous payments
49 and overpayments made, and may redeem dishonored checks and drafts deposited to the credit
50 of such county. Any funds in the special trust fund which are not needed for current
51 expenditures shall be invested in the same manner as other funds are invested. Any interest and
52 moneys earned on such investments shall be credited to the fund.

53 4. ~~[In order to permit sellers required to collect and report the sales tax to collect the~~
54 ~~amount required to be reported and remitted, but not to change the requirements of reporting~~
55 ~~or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies,~~
56 ~~the governing body of the county may authorize the use of a bracket system similar to that~~
57 ~~authorized in section 144.285 and notwithstanding the provisions of that section, this new~~
58 ~~bracket system shall be used where this tax is imposed and shall apply to all taxable~~
59 ~~transactions.]~~ Beginning with the effective date of the tax, every retailer in the county shall add
60 the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until
61 paid, and shall be recoverable at law in the same manner as the purchase price. ~~[For purposes~~
62 ~~of this section, all retail sales shall be deemed to be consummated at the place of business of~~
63 ~~the retailer.]~~

64 5. All applicable provisions in ~~[sections 144.010 to 144.525]~~ **chapter 144** governing
 65 the state sales tax, and section 32.057, the uniform confidentiality provision, shall apply to the
 66 collection of the tax ~~[, and all exemptions granted to agencies of government, organizations, and~~
 67 ~~persons under sections 144.010 to 144.525 are hereby made applicable to the imposition and~~
 68 ~~collection of the tax. The same sales tax permit, exemption certificate, and retail certificate~~
 69 ~~required by sections 144.010 to 144.525 for the administration and collection of the state sales~~
 70 ~~tax shall satisfy the requirements of this section, and no additional permit or exemption~~
 71 ~~certificate or retail certificate shall be required; except that, the director of revenue may~~
 72 ~~prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed~~
 73 ~~the retailer under the state sales tax for the collection of and for payment of taxes are hereby~~
 74 ~~allowed and made applicable to the tax. The penalties for violations provided in section 32.057~~
 75 ~~and sections 144.010 to 144.525 are hereby made applicable to violations of this section. If any~~
 76 ~~person is delinquent in the payment of the amount required to be paid under this section, or in~~
 77 ~~the event a determination has been made against the person for taxes and penalty under this~~
 78 ~~section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall~~
 79 ~~be the same as that provided in sections 144.010 to 144.525].~~

80 6. The governing body of any county that has adopted the sales tax authorized in this
 81 section may submit the question of repeal of the tax to the voters on any date available for
 82 elections for the county. The ballot of submission shall be in substantially the following form:

83 Shall _____ (insert the name of the county) repeal the sales tax
 84 imposed at a rate of _____ (insert rate of percent) percent for the purpose of funding
 85 senior services and youth programs provided by the county?

86 YES NO

87

88 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
 89 to the question, place an "X" in the box opposite "NO".

90

91 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
 92 of repeal, that repeal shall become effective ~~[on December thirty-first of the calendar year in~~
 93 ~~which such repeal was approved]~~ **as provided by subsection 19 of section 32.087**. If a
 94 majority of the votes cast on the question by the qualified voters voting thereon are opposed to
 95 the repeal, then the sales tax authorized in this section shall remain effective until the question
 96 is resubmitted under this section to the qualified voters and the repeal is approved by a majority
 97 of the qualified voters voting on the question.

98 7. Whenever the governing body of any county that has adopted the sales tax authorized
 99 in this section receives a petition, signed by ten percent of the registered voters of the county

100 voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed
 101 under this section, the governing body shall submit to the voters of the county a proposal to
 102 repeal the tax. If a majority of the votes cast on the question by the qualified voters voting
 103 thereon are in favor of the repeal, the repeal shall become effective ~~[on December thirty-first~~
 104 ~~of the calendar year in which such repeal was approved]~~ **as provided by subsection 19 of**
 105 **section 32.087.** If a majority of the votes cast on the question by the qualified voters voting
 106 thereon are opposed to the repeal, then the sales tax authorized in this section shall remain
 107 effective until the question is resubmitted under this section to the qualified voters and the
 108 repeal is approved by a majority of the qualified voters voting on the question.

109 8. If the tax is repealed or terminated by any means, all funds remaining in the special
 110 trust fund shall continue to be used solely for the designated purposes, and the county shall
 111 notify the director of ~~[the department of]~~ revenue of the action ~~[at least thirty days]~~ before the
 112 effective date of the repeal and the director may order retention in the trust fund, for a period
 113 of one year, of two percent of the amount collected after receipt of such notice to cover possible
 114 refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the
 115 credit of such accounts. After one year has elapsed after the effective date of abolition of the
 116 tax in such county, the director shall remit the balance in the account to the county and close
 117 the account of that county. The director shall notify each county of each instance of any amount
 118 refunded or any check redeemed from receipts due the county.

119 9. Each county imposing the tax authorized in this section shall establish a senior
 120 services tax commission to administer the portion of the sales tax revenue dedicated to
 121 providing senior services. Such commission shall consist of seven members appointed by the
 122 county commission. The county commission shall determine the qualifications, terms of office,
 123 compensation, powers, duties, restrictions, procedures, and all other necessary functions of the
 124 commission.

67.1300. 1. **Any governing body of a municipality located in a county enumerated**
 2 **in subdivisions (1) to (26) of this subsection or** the governing body of any of the contiguous
 3 counties of the third classification without a township form of government enumerated in
 4 subdivisions ~~[(1)]~~ (27) to ~~[(5)]~~ (31) of this subsection ~~[or]~~ **may impose, by ordinance or order,**
 5 **a sales tax on all retail sales made in such county or municipality that are subject to**
 6 **taxation under chapter 144:**

7 (1) ~~[In any]~~ A county of the fourth classification acting as a county of the second
 8 classification, having a population of at least forty thousand but less than forty-five thousand
 9 with a state university, and adjoining a county of the first classification with part of a city with
 10 a population of three hundred fifty thousand or more inhabitants ~~[or]~~ ;

11 **(2)** A county of the third classification with a township form of government and with
12 a population of at least eight thousand but less than eight thousand four hundred inhabitants [☒]
13 ;

14 **(3)** A county of the third classification with more than fifteen townships having a
15 population of at least twenty-one thousand inhabitants [☒] ;

16 **(4)** A county of the third classification without a township form of government and with
17 a population of at least seven thousand four hundred but less than eight thousand inhabitants
18 [☒] ;

19 **(5)** Any county of the third classification with a population greater than three thousand
20 but less than four thousand [☒] ;

21 **(6)** Any county of the third classification with a population greater than six thousand
22 one hundred but less than six thousand four hundred [☒] ;

23 **(7)** Any county of the third classification with a population greater than six thousand
24 eight hundred but less than seven thousand [☒] ;

25 **(8)** Any county of the third classification with a population greater than seven thousand
26 eight hundred but less than seven thousand nine hundred [☒] ;

27 **(9)** Any county of the third classification with a population greater than eight thousand
28 four hundred sixty but less than eight thousand five hundred [☒] ;

29 **(10)** Any county of the third classification with a population greater than nine thousand
30 but less than nine thousand two hundred [☒] ;

31 **(11)** Any county of the third classification with a population greater than ten thousand
32 five hundred but less than ten thousand six hundred [☒] ;

33 **(12)** Any county of the third classification with a population greater than twenty-three
34 thousand five hundred but less than twenty-three thousand seven hundred [☒] ;

35 **(13)** A county of the third classification with a population greater than thirty-three
36 thousand but less than thirty-four thousand [☒] ;

37 **(14)** A county of the third classification with a population greater than twenty thousand
38 eight hundred but less than twenty-one thousand [☒] ;

39 **(15)** A county of the third classification with a population greater than fourteen
40 thousand one hundred but less than fourteen thousand five hundred [☒] ;

41 **(16)** A county of the third classification with a population greater than twenty thousand
42 eight hundred fifty but less than twenty-two thousand [☒] ;

43 **(17)** A county of the third classification with a population greater than thirty-nine
44 thousand but less than forty thousand [☒] ;

45 **(18)** A county of the third classification with a township form of organization and a
46 population greater than twenty-eight thousand but less than twenty-nine thousand [☒] ;

47 **(19)** A county of the third classification with a population greater than fifteen thousand
48 but less than fifteen thousand five hundred ~~[or]~~ ;

49 **(20)** A county of the third classification with a population greater than eighteen
50 thousand but less than nineteen thousand seventy ~~[or]~~ ;

51 **(21)** A county of the third classification with a population greater than thirteen thousand
52 nine hundred but less than fourteen thousand four hundred ~~[or]~~ ;

53 **(22)** A county of the third classification with a population greater than twenty-seven
54 thousand but less than twenty-seven thousand five hundred ~~[or]~~ ;

55 **(23)** A county of the first classification without a charter form of government and a
56 population of at least eighty thousand but not greater than eighty-three thousand ~~[or]~~ ;

57 **(24)** A county of the third classification with a population greater than fifteen thousand
58 but less than fifteen thousand nine hundred without a township form of government which does
59 not adjoin any county of the first, second or fourth classification
60 ~~[or]~~ ;

61 **(25)** A county of the third classification with a population greater than twenty-three
62 thousand but less than twenty-five thousand without a township form of government which does
63 not adjoin any county of the second or fourth classification and does adjoin a county of the first
64 classification with a population greater than one hundred twenty thousand but less than one
65 hundred fifty thousand ~~[or]~~ ;

66 **(26)** ~~[In any]~~ A county of the fourth classification acting as a county of the second
67 classification, having a population of at least forty-eight thousand ~~[or any governing body of a~~
68 ~~municipality located in any of such counties may impose, by ordinance or order, a sales tax on~~
69 ~~all retail sales made in such county or municipality which are subject to taxation pursuant to the~~
70 ~~provisions of sections 144.010 to 144.525:~~

71 ~~———(1)] ;~~

72 **(27)** A county with a population of at least four thousand two hundred inhabitants but
73 not more than four thousand five hundred inhabitants;

74 ~~[(2)]~~ **(28)** A county with a population of at least four thousand seven hundred
75 inhabitants but not more than four thousand nine hundred inhabitants;

76 ~~[(3)]~~ **(29)** A county with a population of at least seven thousand three hundred
77 inhabitants but not more than seven thousand six hundred inhabitants;

78 ~~[(4)]~~ **(30)** A county with a population of at least ten thousand one hundred inhabitants
79 but not more than ten thousand three hundred inhabitants; ~~and~~

80 ~~———(5)] or~~

81 **(31)** A county with a population of at least four thousand three hundred inhabitants but
82 not more than four thousand five hundred inhabitants.

83 2. The maximum rate for a sales tax ~~[pursuant to]~~ **under** this section shall be one
84 percent for municipalities and one-half of one percent for counties.

85 3. The tax authorized by this section shall be in addition to any and all other sales taxes
86 allowed by law, except that no ordinance or order imposing a sales tax ~~[pursuant to the~~
87 ~~provisions of]~~ **under** this section shall be effective unless the governing body of the county or
88 municipality submits to the voters of the county or municipality, at a regularly scheduled
89 county, municipal or state general or primary election, a proposal to authorize the governing
90 body of the county or municipality to impose a tax. Any sales tax imposed ~~[pursuant to]~~ **under**
91 this section shall not be authorized for a period of more than five years.

92 4. Such proposal shall be submitted in substantially the following form:

93 Shall the (city, town, village or county) of _____ impose a sales tax
94 of _____ (insert ~~[amount]~~ **rate of percent**) for the purpose of economic development in
95 the _____ (city, town, village or county)?

96 YES NO

97

98 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
99 of the proposal, then the ordinance or order and any amendments thereto shall be in effect ~~[on~~
100 ~~the first day of the second quarter after the director of revenue receives notice of adoption of the~~
101 ~~tax]~~ **as provided by subsection 19 of section 32.087**. If a majority of the votes cast by the
102 qualified voters voting are opposed to the proposal, then the governing body of the county or
103 municipality shall not impose the sales tax authorized in this section until the governing body
104 of the county or municipality resubmits another proposal to authorize the governing body of the
105 county or municipality to impose the sales tax authorized by this section and such proposal is
106 approved by a majority of the qualified voters voting thereon; however no such proposal shall
107 be resubmitted to the voters sooner than twelve months from the date of the submission of the
108 last such proposal.

109 5. All revenue received by a county or municipality from the tax authorized ~~[pursuant~~
110 ~~to the provisions of]~~ **under** this section shall be deposited in a special trust fund and shall be
111 used solely for economic development purposes within such county or municipality for so long
112 as the tax shall remain in effect.

113 6. Once the tax authorized by this section is abolished or is terminated by any means,
114 all funds remaining in the special trust fund shall be used solely for economic development
115 purposes within the county or municipality. Any funds in such special trust fund which are not
116 needed for current expenditures may be invested by the governing body in accordance with
117 applicable laws relating to the investment of other county or municipal funds.

118 7. All sales taxes collected by the director of revenue ~~[pursuant to]~~ **under** this section
119 on behalf of any county or municipality~~[, less one percent for cost of collection which shall be~~
120 ~~deposited in the state's general revenue fund after payment of premiums for surety bonds as~~
121 ~~provided in section 32.087,]~~ shall be deposited in a special trust fund, which is hereby created,
122 to be known as the "Local Economic Development Sales Tax Trust Fund".

123 8. ~~[The moneys in the local economic development sales tax trust fund shall not be~~
124 ~~deemed to be state funds and shall not be commingled with any funds of the state.]~~ The director
125 of revenue shall keep accurate records of the amount of money in the trust fund and which was
126 collected in each county or municipality imposing a sales tax ~~[pursuant to]~~ **under** this section,
127 and the records shall be open to the inspection of officers of the county or municipality and the
128 public.

129 9. Not later than the tenth day of each month the director of revenue shall distribute all
130 moneys deposited in the trust fund during the preceding month to the county or municipality
131 which levied the tax. Such funds shall be deposited with the county treasurer of each such
132 county or the appropriate municipal officer in the case of a municipal tax, and all expenditures
133 of funds arising from the local economic development sales tax trust fund shall be by an
134 appropriation act to be enacted by the governing body of each such county or municipality.
135 Expenditures may be made from the fund for any economic development purposes authorized
136 in the ordinance or order adopted by the governing body submitting the tax to the voters.

137 10. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the
138 amounts in the trust fund and credited to any county or municipality for erroneous payments and
139 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of
140 such counties and municipalities.

141 11. If any county or municipality abolishes the tax, the county or municipality shall
142 notify the director of revenue of the action ~~[at least ninety days]~~ prior to the effective date of the
143 repeal, and **the repeal shall be effective as provided by subsection 19 of section 32.087**. The
144 director of revenue may order retention in the trust fund, for a period of one year, of two percent
145 of the amount collected after receipt of such notice to cover possible refunds or overpayment
146 of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts.
147 After one year has elapsed after the effective date of abolition of the tax in such county or
148 municipality, the director of revenue shall remit the balance in the account to the county or
149 municipality and close the account of that county or municipality. The director of revenue shall
150 notify each county or municipality of each instance of any amount refunded or any check
151 redeemed from receipts due the county or municipality.

152 12. Except as modified in this section, all provisions of sections 32.085 ~~[and]~~ **to** 32.087
153 shall apply to the tax imposed ~~[pursuant to]~~ **under** this section.

154 13. For purposes of this section, the term "economic development" is limited to the
155 following:

156 (1) Operations of economic development or community development offices, including
157 the salaries of employees;

158 (2) Provision of training for job creation or retention;

159 (3) Provision of infrastructure and sites for industrial development or for public
160 infrastructure projects; and

161 (4) Refurbishing of existing structures and property relating to community development.

67.1303. 1. The governing body of any home rule city with more than one hundred
2 fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred
3 inhabitants, any home rule city with more than forty-five thousand five hundred but less than
4 forty-five thousand nine hundred inhabitants and the governing body of any city within any
5 county of the first classification with more than one hundred four thousand six hundred but less
6 than one hundred four thousand seven hundred inhabitants and the governing body of any
7 county of the third classification without a township form of government and with more than
8 forty thousand eight hundred but less than forty thousand nine hundred inhabitants or any city
9 within such county may impose, by order or ordinance, a sales tax on all retail sales made in the
10 city or county which are subject to sales tax under chapter 144. In addition, the governing body
11 of any county of the first classification with more than eighty-five thousand nine hundred but
12 less than eighty-six thousand inhabitants or the governing body of any home rule city with more
13 than seventy-three thousand but less than seventy-five thousand inhabitants may impose, by
14 order or ordinance, a sales tax on all retail sales made in the city or county which are subject to
15 sales tax under chapter 144. The tax authorized in this section shall not be more than one-half
16 of one percent. The order or ordinance imposing the tax shall not become effective unless the
17 governing body of the city or county submits to the voters of the city or county at a state general
18 or primary election a proposal to authorize the governing body to impose a tax under this
19 section. The tax authorized in this section shall be in addition to all other sales taxes imposed
20 by law, and shall be stated separately from all other charges and taxes.

21 2. The ballot of submission for the tax authorized in this section shall be in substantially
22 the following form:

23 Shall _____ (insert the name of the city or county) impose a sales tax
24 at a rate of _____ (insert rate of percent) percent for economic development purposes?

25 YES NO

26

27 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
28 of the question, then the tax shall become effective [~~on the first day of the second calendar~~

29 ~~quarter following the calendar quarter in which the election was held]~~ **as provided by**
30 **subsection 19 of section 32.087.** If a majority of the votes cast on the question by the qualified
31 voters voting thereon are opposed to the question, then the tax shall not become effective unless
32 and until the question is resubmitted under this section to the qualified voters and such question
33 is approved by a majority of the qualified voters voting on the question, provided that no
34 proposal shall be resubmitted to the voters sooner than twelve months from the date of the
35 submission of the last proposal.

36 3. No revenue generated by the tax authorized in this section shall be used for any retail
37 development project. At least twenty percent of the revenue generated by the tax authorized in
38 this section shall be used solely for projects directly related to long-term economic development
39 preparation, including, but not limited to, the following:

- 40 (1) Acquisition of land;
- 41 (2) Installation of infrastructure for industrial or business parks;
- 42 (3) Improvement of water and wastewater treatment capacity;
- 43 (4) Extension of streets;
- 44 (5) Providing matching dollars for state or federal grants;
- 45 (6) Marketing;
- 46 (7) Construction and operation of job training and educational facilities; and
- 47 (8) Providing grants and low-interest loans to companies for job training, equipment
48 acquisition, site development, and infrastructure.

49
50 Not more than twenty-five percent of the revenue generated may be used annually for
51 administrative purposes, including staff and facility costs.

52 4. All revenue generated by the tax shall be deposited in a special trust fund and shall
53 be used solely for the designated purposes. If the tax is repealed, all funds remaining in the
54 special trust fund shall continue to be used solely for the designated purposes. Any funds in the
55 special trust fund which are not needed for current expenditures may be invested by the
56 governing body in accordance with applicable laws relating to the investment of other city or
57 county funds.

58 5. **The director of revenue may make refunds from the amounts in the trust fund**
59 **and credited to any city or county for erroneous payments and overpayments to the trust**
60 **fund and may redeem dishonored checks and drafts deposited to the credit of such cities**
61 **or counties. If any city or county abolishes the tax authorized under this section, the**
62 **repeal of such tax shall become effective as provided by subsection 19 of section 32.087.**
63 **Each city or county shall notify the director of revenue prior to the effective date of the**
64 **expiration of the sales tax authorized by this section, and the repeal shall be effective as**

65 **provided by subsection 19 of section 32.087. The director of revenue may order retention**
66 **in the trust fund, for a period of one year, of two percent of the amount collected after**
67 **receipt of such notice to cover possible refunds or overpayments of such tax and to redeem**
68 **dishonored checks and drafts deposited to the credit of such accounts. After one year has**
69 **elapsed after the date of expiration of the tax authorized by this section in such city or**
70 **county, the director of revenue shall remit the balance in the account to the city or county**
71 **and close the account of that city or county. The director of revenue shall notify each city**
72 **or county of each instance of any amount refunded or any check redeemed from receipts**
73 **due to the city or county.**

74 **6.** Any city or county imposing the tax authorized in this section shall establish an
75 economic development tax board. The board shall consist of eleven members, to be appointed
76 as follows:

77 (1) Two members shall be appointed by the school boards whose districts are included
78 within any economic development plan or area funded by the sales tax authorized in this
79 section. Such members shall be appointed in any manner agreed upon by the affected districts;

80 (2) One member shall be appointed, in any manner agreed upon by the affected districts,
81 to represent all other districts levying ad valorem taxes within the area selected for an economic
82 development project or area funded by the sales tax authorized in this section, excluding
83 representatives of the governing body of the city or county;

84 (3) One member shall be appointed by the largest public school district in the city or
85 county;

86 (4) In each city or county, five members shall be appointed by the chief elected officer
87 of the city or county with the consent of the majority of the governing body of the city or
88 county;

89 (5) In each city, two members shall be appointed by the governing body of the county
90 in which the city is located. In each county, two members shall be appointed by the governing
91 body of the county. At the option of the members appointed by a city or county the members
92 who are appointed by the school boards and other taxing districts may serve on the board for
93 a term to coincide with the length of time an economic development project, plan, or
94 designation of an economic development area is considered for approval by the board, or for
95 the definite terms as provided in this subsection. If the members representing school districts
96 and other taxing districts are appointed for a term coinciding with the length of time an
97 economic development project, plan, or area is approved, such term shall terminate upon final
98 approval of the project, plan, or designation of the area by the governing body of the city or
99 county. If any school district or other taxing jurisdiction fails to appoint members of the board
100 within thirty days of receipt of written notice of a proposed economic development plan,

101 economic development project, or designation of an economic development area, the remaining
 102 members may proceed to exercise the power of the board. Of the members first appointed by
 103 the city or county, three shall be designated to serve for terms of two years, three shall be
 104 designated to serve for a term of three years, and the remaining members shall be designated
 105 to serve for a term of four years from the date of such initial appointments. Thereafter, the
 106 members appointed by the city or county shall serve for a term of four years, except that all
 107 vacancies shall be filled for unexpired terms in the same manner as were the original
 108 appointments.

109 [6-] 7. The board, subject to approval of the governing body of the city or county, shall
 110 develop economic development plans, economic development projects, or designations of an
 111 economic development area, and shall hold public hearings and provide notice of any such
 112 hearings. The board shall vote on all proposed economic development plans, economic
 113 development projects, or designations of an economic development area, and amendments
 114 thereto, within thirty days following completion of the hearing on any such plan, project, or
 115 designation, and shall make recommendations to the governing body within ninety days of the
 116 hearing concerning the adoption of or amendment to economic development plans, economic
 117 development projects, or designations of an economic development area.

118 [7-] 8. The board shall report at least annually to the governing body of the city or
 119 county on the use of the funds provided under this section and on the progress of any plan,
 120 project, or designation adopted under this section.

121 [8-] 9. The governing body of any city or county that has adopted the sales tax
 122 authorized in this section may submit the question of repeal of the tax to the voters on any date
 123 available for elections for the city or county. The ballot of submission shall be in substantially
 124 the following form:

125 Shall _____ (insert the name of the city or county) repeal the sales
 126 tax imposed at a rate of _____ (insert rate of percent) percent for economic development
 127 purposes?

128 YES NO

129
 130 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become
 131 effective ~~[on December thirty-first of the calendar year in which such repeal was approved]~~ as
 132 **provided by subsection 19 of section 32.087**. If a majority of the votes cast on the question
 133 by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized
 134 in this section shall remain effective until the question is resubmitted under this section to the
 135 qualified voters of the city or county, and the repeal is approved by a majority of the qualified
 136 voters voting on the question.

137 [9-] **10.** Whenever the governing body of any city or county that has adopted the sales
138 tax authorized in this section receives a petition, signed by ten percent of the registered voters
139 of the city or county voting in the last gubernatorial election, calling for an election to repeal
140 the sales tax imposed under this section, the governing body shall submit to the voters a
141 proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters
142 voting thereon are in favor of the repeal, that repeal shall become effective [~~on December~~
143 ~~thirty-first of the calendar year in which such repeal was approved]~~ **as provided by subsection**
144 **19 of section 32.087.** If a majority of the votes cast on the question by the qualified voters
145 voting thereon are opposed to the repeal, then the tax shall remain effective until the question
146 is resubmitted under this section to the qualified voters and the repeal is approved by a majority
147 of the qualified voters voting on the question. **If the city or county abolishes the tax, the city**
148 **or county shall notify the director of revenue of the action and the repeal shall be effective**
149 **as provided by subsection 19 of section 32.087.**

150 **11. After the effective date of any tax imposed under the provisions of this section,**
151 **the director of revenue shall perform all functions incident to the administration,**
152 **collection, enforcement, and operation of the tax and collect, in addition to the sales tax**
153 **for this state, the additional tax authorized under this section. The tax imposed under this**
154 **section and the tax imposed under the sales tax law of this state shall be collected together**
155 **and reported upon such forms and under such administrative rules and regulations as**
156 **may be prescribed by the director of revenue.**

157 **12. Except as provided in this section, all provisions of sections 32.085 to 32.087**
158 **shall apply to the tax imposed under this section.**

67.1305. 1. As used in this section, the term "city" shall mean any incorporated city,
2 town, or village.

3 2. In lieu of the sales taxes authorized under sections 67.1300 and 67.1303, the
4 governing body of any city or county may impose, by order or ordinance, a sales tax on all retail
5 sales made in the city or county which are subject to sales tax under chapter 144. The tax
6 authorized in this section shall not be more than one-half of one percent. The order or
7 ordinance imposing the tax shall not become effective unless the governing body of the city or
8 county submits to the voters of the city or county at any citywide, county or state general,
9 primary or special election a proposal to authorize the governing body to impose a tax under this
10 section. The tax authorized in this section shall be in addition to all other sales taxes imposed
11 by law, and shall be stated separately from all other charges and taxes. The tax authorized in
12 this section shall not be imposed by any city or county that has imposed a tax under section
13 67.1300 or 67.1303 unless the tax imposed under those sections has expired or been repealed.

14 3. The ballot of submission for the tax authorized in this section shall be in substantially
 15 the following form:

16 Shall _____ (insert the name of the city or county) impose a sales
 17 tax at a rate of _____ (insert rate of percent) percent for economic development purposes?

18 YES NO

19

20 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
 21 of the question, then the tax shall become effective ~~[on the first day of the second calendar~~
 22 ~~quarter following the calendar quarter in which the election was held]~~ **as provided by**
 23 **subsection 19 of section 32.087**. If a majority of the votes cast on the question by the qualified
 24 voters voting thereon are opposed to the question, then the tax shall not become effective unless
 25 and until the question is resubmitted under this section to the qualified voters and such question
 26 is approved by a majority of the qualified voters voting on the question, provided that no
 27 proposal shall be resubmitted to the voters sooner than twelve months from the date of the
 28 submission of the last proposal.

29 4. All sales taxes collected by the director of revenue under this section on behalf of any
 30 county or municipality~~[-less one percent for cost of collection which shall be deposited in the~~
 31 ~~state's general revenue fund after payment of premiums for surety bonds as provided in section~~
 32 ~~32.087,]~~ shall be deposited in a special trust fund, which is hereby created, to be known as the
 33 "Local Option Economic Development Sales Tax Trust Fund".

34 5. ~~[The moneys in the local option economic development sales tax trust fund shall not~~
 35 ~~be deemed to be state funds and shall not be commingled with any funds of the state.]~~ The
 36 director of revenue shall keep accurate records of the amount of money in the trust fund and
 37 which was collected in each city or county imposing a sales tax ~~[pursuant to]~~ **under** this section,
 38 and the records shall be open to the inspection of officers of the city or county and the public.

39 6. Not later than the tenth day of each month the director of revenue shall distribute all
 40 moneys deposited in the trust fund during the preceding month to the city or county which
 41 levied the tax. Such funds shall be deposited with the county treasurer of each such county or
 42 the appropriate municipal officer in the case of a municipal tax, and all expenditures of funds
 43 arising from the local economic development sales tax trust fund shall be in accordance with
 44 this section.

45 7. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the
 46 amounts in the trust fund and credited to any city or county for erroneous payments and
 47 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of
 48 such cities and counties.

49 8. If any county or municipality abolishes the tax, the city or county shall notify the
50 director of revenue of the action [~~at least ninety days~~] prior to the effective date of the repeal,
51 and **the repeal shall be effective as provided by subsection 19 of section 32.087**. The
52 director of revenue may order retention in the trust fund, for a period of one year, of two percent
53 of the amount collected after receipt of such notice to cover possible refunds or overpayment
54 of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts.
55 After one year has elapsed after the effective date of abolition of the tax in such city or county,
56 the director of revenue shall remit the balance in the account to the city or county and close the
57 account of that city or county. The director of revenue shall notify each city or county of each
58 instance of any amount refunded or any check redeemed from receipts due the city or county.

59 9. Except as modified in this section, all provisions of sections 32.085 [~~and~~] to 32.087
60 shall apply to the tax imposed [~~pursuant to~~] **under** this section.

61 10. (1) No revenue generated by the tax authorized in this section shall be used for any
62 retail development project, except for the redevelopment of downtown areas and historic
63 districts. Not more than twenty-five percent of the revenue generated shall be used annually for
64 administrative purposes, including staff and facility costs.

65 (2) At least twenty percent of the revenue generated by the tax authorized in this
66 section shall be used solely for projects directly related to long-term economic development
67 preparation, including, but not limited to, the following:

- 68 (a) Acquisition of land;
- 69 (b) Installation of infrastructure for industrial or business parks;
- 70 (c) Improvement of water and wastewater treatment capacity;
- 71 (d) Extension of streets;
- 72 (e) Public facilities directly related to economic development and job creation; and
- 73 (f) Providing matching dollars for state or federal grants relating to such long-term
74 projects.

75 (3) The remaining revenue generated by the tax authorized in this section may be used
76 for, but shall not be limited to, the following:

- 77 (a) Marketing;
- 78 (b) Providing grants and loans to companies for job training, equipment acquisition, site
79 development, and infrastructures;
- 80 (c) Training programs to prepare workers for advanced technologies and high skill jobs;
- 81 (d) Legal and accounting expenses directly associated with the economic development
82 planning and preparation process;
- 83 (e) Developing value-added and export opportunities for Missouri agricultural products.

84 11. All revenue generated by the tax shall be deposited in a special trust fund and shall
85 be used solely for the designated purposes. If the tax is repealed, all funds remaining in the
86 special trust fund shall continue to be used solely for the designated purposes. Any funds in the
87 special trust fund which are not needed for current expenditures may be invested by the
88 governing body in accordance with applicable laws relating to the investment of other city or
89 county funds.

90 12. (1) Any city or county imposing the tax authorized in this section shall establish
91 an economic development tax board. The volunteer board shall receive no compensation or
92 operating budget.

93 (2) The economic development tax board established by a city shall consist of at least
94 five members, but may be increased to nine members. Either a five-member or nine-member
95 board shall be designated in the order or ordinance imposing the sales tax authorized by this
96 section, and the members are to be appointed as follows:

97 (a) One member of a five-member board, or two members of a nine-member board,
98 shall be appointed by the school districts included within any economic development plan or
99 area funded by the sales tax authorized in this section. Such member or members shall be
100 appointed in any manner agreed upon by the affected districts;

101 (b) Three members of a five-member board, or five members of a nine-member board,
102 shall be appointed by the chief elected officer of the city with the consent of the majority of the
103 governing body of the city;

104 (c) One member of a five-member board, or two members of a nine-member board,
105 shall be appointed by the governing body of the county in which the city is located.

106 (3) The economic development tax board established by a county shall consist of seven
107 members, to be appointed as follows:

108 (a) One member shall be appointed by the school districts included within any economic
109 development plan or area funded by the sales tax authorized in this section. Such member shall
110 be appointed in any manner agreed upon by the affected districts;

111 (b) Four members shall be appointed by the governing body of the county; and

112 (c) Two members from the cities, towns, or villages within the county appointed in any
113 manner agreed upon by the chief elected officers of the cities or villages. Of the members
114 initially appointed, three shall be designated to serve for terms of two years, except that when
115 a nine-member board is designated, seven of the members initially appointed shall be designated
116 to serve for terms of two years, and the remaining members shall be designated to serve for a
117 term of four years from the date of such initial appointments. Thereafter, the members
118 appointed shall serve for a term of four years, except that all vacancies shall be filled for
119 unexpired terms in the same manner as were the original appointments.

120 (4) If an economic development tax board established by a city is already in existence
121 on August 28, 2012, any increase in the number of members of the board shall be designated
122 in an order or ordinance. The four board members added to the board shall be appointed to a
123 term with an expiration coinciding with the expiration of the terms of the three board member
124 positions that were originally appointed to terms of two years. Thereafter, the additional
125 members appointed shall serve for a term of four years, except that all vacancies shall be filled
126 for unexpired terms in the same manner as were the additional appointments.

127 13. The board, subject to approval of the governing body of the city or county, shall
128 consider economic development plans, economic development projects, or designations of an
129 economic development area, and shall hold public hearings and provide notice of any such
130 hearings. The board shall vote on all proposed economic development plans, economic
131 development projects, or designations of an economic development area, and amendments
132 thereto, within thirty days following completion of the hearing on any such plan, project, or
133 designation, and shall make recommendations to the governing body within ninety days of the
134 hearing concerning the adoption of or amendment to economic development plans, economic
135 development projects, or designations of an economic development area. The governing body
136 of the city or county shall have the final determination on use and expenditure of any funds
137 received from the tax imposed under this section.

138 14. The board may consider and recommend using funds received from the tax imposed
139 under this section for plans, projects or area designations outside the boundaries of the city or
140 county imposing the tax if, and only if:

141 (1) The city or county imposing the tax or the state receives significant economic
142 benefit from the plan, project or area designation; and

143 (2) The board establishes an agreement with the governing bodies of all cities and
144 counties in which the plan, project or area designation is located detailing the authority and
145 responsibilities of each governing body with regard to the plan, project or area designation.

146 15. Notwithstanding any other provision of law to the contrary, the economic
147 development sales tax imposed under this section when imposed within a special taxing district,
148 including but not limited to a tax increment financing district, neighborhood improvement
149 district, or community improvement district, shall be excluded from the calculation of revenues
150 available to such districts, and no revenues from any sales tax imposed under this section shall
151 be used for the purposes of any such district unless recommended by the economic development
152 tax board established under this section and approved by the governing body imposing the tax.

153 16. The board and the governing body of the city or county imposing the tax shall report
154 at least annually to the governing body of the city or county on the use of the funds provided

155 under this section and on the progress of any plan, project, or designation adopted under this
 156 section and shall make such report available to the public.

157 17. Not later than the first day of March each year the board shall submit to the joint
 158 committee on economic development a report, not exceeding one page in length, which must
 159 include the following information for each project using the tax authorized under this section:

- 160 (1) A statement of its primary economic development goals;
- 161 (2) A statement of the total economic development sales tax revenues received during
 162 the immediately preceding calendar year;
- 163 (3) A statement of total expenditures during the preceding calendar year in each of the
 164 following categories:
 - 165 (a) Infrastructure improvements;
 - 166 (b) Land and/or buildings;
 - 167 (c) Machinery and equipment;
 - 168 (d) Job training investments;
 - 169 (e) Direct business incentives;
 - 170 (f) Marketing;
 - 171 (g) Administration and legal expenses; and
 - 172 (h) Other expenditures.

173 18. The governing body of any city or county that has adopted the sales tax authorized
 174 in this section may submit the question of repeal of the tax to the voters on any date available
 175 for elections for the city or county. The ballot of submission shall be in substantially the
 176 following form:

177 Shall _____ (insert the name of the city or county) repeal the sales
 178 tax imposed at a rate of _____ (insert rate of percent) percent for economic development
 179 purposes?

180 YES NO

181
 182 If a majority of the votes cast on the proposal are in favor of the repeal, that repeal shall become
 183 effective ~~[on December thirty-first of the calendar year in which such repeal was approved]~~ **as**
 184 **provided by subsection 19 of section 32.087.** If a majority of the votes cast on the question
 185 by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized
 186 in this section shall remain effective until the question is resubmitted under this section to the
 187 qualified voters of the city or county, and the repeal is approved by a majority of the qualified
 188 voters voting on the question.

189 19. Whenever the governing body of any city or county that has adopted the sales tax
 190 authorized in this section receives a petition, signed by ten percent of the registered voters of

191 the city or county voting in the last gubernatorial election, calling for an election to repeal the
 192 sales tax imposed under this section, the governing body shall submit to the voters a proposal
 193 to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting
 194 thereon are in favor of the repeal, that repeal shall become effective ~~[on December thirty-first~~
 195 ~~of the calendar year in which such repeal was approved]~~ **as provided by subsection 19 of**
 196 **section 32.087.** If a majority of the votes cast on the question by the qualified voters voting
 197 thereon are opposed to the repeal, then the tax shall remain effective until the question is
 198 resubmitted under this section to the qualified voters and the repeal is approved by a majority
 199 of the qualified voters voting on the question.

200 20. If any provision of this section or section 67.1303 or the application thereof to any
 201 person or circumstance is held invalid, the invalidity shall not affect other provisions or
 202 application of this section or section 67.1303 which can be given effect without the invalid
 203 provision or application, and to this end the provisions of this section and section 67.1303 are
 204 declared severable.

67.1545. 1. Any district formed as a political subdivision may impose by resolution a
 2 district sales and use tax on all retail sales made in such district which are subject to taxation
 3 ~~[pursuant to sections 144.010 to 144.525]~~ **under chapter 144**, except sales of motor vehicles,
 4 trailers, boats or outboard motors ~~[and sales to or by public utilities and providers of~~
 5 ~~communications, cable, or video services]~~ , **electricity, piped natural or artificial gas, or**
 6 **other fuels delivered by the seller.** Any sales and use tax imposed ~~[pursuant to]~~ **under** this
 7 section may be imposed in increments of one-eighth of one percent, up to a maximum of one
 8 percent. Such district sales and use tax may be imposed for any district purpose designated by
 9 the district in its ballot of submission to its qualified voters; except that, no resolution adopted
 10 ~~[pursuant to]~~ **under** this section shall become effective unless the board of directors of the
 11 district submits to the qualified voters of the district, by mail-in ballot, a proposal to authorize
 12 a sales and use tax ~~[pursuant to]~~ **under** this section. If a majority of the votes cast by the
 13 qualified voters on the proposed sales tax are in favor of the sales tax, then the resolution is
 14 adopted. If a majority of the votes cast by the qualified voters are opposed to the sales tax, then
 15 the resolution is void.

16 2. The ballot shall be substantially in the following form:

17 Shall the _____ (insert name of district) Community Improvement
 18 District impose a community improvement districtwide sales and use tax at the maximum rate
 19 of _____ (insert ~~amount~~ **rate of percent**) for a period of _____ (insert number)
 20 years from the date on which such tax is first imposed for the purpose of providing revenue for
 21 _____ (insert general description of the purpose)?

22 YES

NO

23

24 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
25 to the question, place an "X" in the box opposite "NO".

26 3. Within ten days after the qualified voters have approved the imposition of the sales
27 and use tax, the district shall, in accordance with section 32.087, notify the director of ~~the~~
28 ~~department of~~ revenue. The sales and use tax authorized by this section shall become effective
29 ~~[on the first day of the second calendar quarter after the director of the department of revenue~~
30 ~~receives notice of the adoption of such tax]~~ **as provided by subsection 19 of section 32.087.**

31 4. ~~[The director of the department of revenue shall collect any tax adopted pursuant to~~
32 ~~this section pursuant to section 32.087]~~ **After the effective date of any tax imposed under the**
33 **provisions of this section, the director of revenue shall perform all functions incident to**
34 **the administration, collection, enforcement, and operation of the tax and collect, in**
35 **addition to the sales tax for this state, the additional tax authorized under the authority**
36 **of this section. The tax imposed under this section and the tax imposed under the sales**
37 **tax law of this state shall be collected together and reported upon such forms and under**
38 **such administrative rules and regulations as may be prescribed by the director of revenue.**

39 5. In each district in which a sales and use tax is imposed ~~[pursuant to]~~ **under** this
40 section, every retailer shall add such additional tax imposed by the district to such retailer's sale
41 price, and when so added such tax shall constitute a part of the purchase price, shall be a debt
42 of the purchaser to the retailer until paid and shall be recoverable at law in the same manner as
43 the purchase price.

44 6. ~~[In order to allow retailers to collect and report the sales and use tax authorized by~~
45 ~~this section as well as all other sales and use taxes required by law in the simplest and most~~
46 ~~efficient manner possible, a district may establish appropriate brackets to be used in the district~~
47 ~~imposing a tax pursuant to this section in lieu of the brackets provided in section 144.285.~~

48 ~~————7.]~~ The penalties provided ~~[in sections 144.010 to 144.525]~~ **under chapter 144** shall
49 apply to violations of this section.

50 ~~[8.]~~ 7. All revenue received by the district from a sales and use tax imposed ~~[pursuant~~
51 ~~to]~~ **under** this section which is designated for a specific purpose shall be deposited into a
52 special trust fund and expended solely for such purpose. Upon the expiration of any sales and
53 use tax adopted ~~[pursuant to]~~ **under** this section, all funds remaining in the special trust fund
54 shall continue to be used solely for the specific purpose designated in the resolution adopted by
55 the qualified voters. Any funds in such special trust fund which are not needed for current
56 expenditures may be invested by the board of directors ~~[pursuant to]~~ **under** applicable laws
57 relating to the investment of other district funds.

58 ~~[9-]~~ **8.** A district may repeal by resolution any sales and use tax imposed ~~[pursuant to]~~
59 **under** this section before the expiration date of such sales and use tax unless the repeal of such
60 sales and use tax will impair the district's ability to repay any liabilities the district has incurred,
61 moneys the district has borrowed or obligation the district has issued to finance any
62 improvements or services rendered for the district.

63 ~~[10-]~~ **9.** Notwithstanding the provisions of chapter 115, an election for a district sales
64 and use tax under this section shall be conducted in accordance with the provisions of this
65 section.

66 **10. Except as provided in this section, all provisions of sections 32.085 to 32.087**
67 **shall apply to the tax imposed under this section.**

67.1712. 1. The governing body of any county located within the proposed
2 metropolitan district is hereby authorized to impose by ordinance a one-tenth of one cent sales
3 tax on all retail sales subject to taxation ~~[pursuant to sections 144.010 to 144.525]~~ **under**
4 **chapter 144** for the purpose of funding the creation, operation and maintenance of a
5 metropolitan park and recreation district.

6 2. In addition to the tax authorized in subsection 1 of this section, the governing body
7 of any county located within the metropolitan district as of January 1, 2012, is authorized to
8 impose by ordinance an incremental sales tax of up to three-sixteenths of one cent on all retail
9 sales subject to taxation under ~~[sections 144.010 to 144.525]~~ **chapter 144** for the purpose of
10 funding the operation and maintenance of the metropolitan park and recreation district. Such
11 incremental sales tax shall not be implemented unless approved by the voters of the county with
12 the largest population within the district and at least one other such county under subsection 2
13 of section 67.1715.

14 3. The taxes authorized by sections 67.1700 to 67.1769 shall be in addition to all other
15 sales taxes allowed by law. The governing body of any county within the metropolitan district
16 enacting such an ordinance shall submit to the voters of such county a proposal to approve its
17 ordinance imposing or increasing the tax. Such ordinance shall become effective only after the
18 majority of the voters voting on such ordinance approve such ordinance. The provisions of
19 sections 32.085 ~~and~~ to 32.087 shall apply to any tax and increase in tax approved ~~[pursuant~~
20 ~~to]~~ **under** this section and sections 67.1715 to 67.1721.

21 **4. After the effective date of any tax imposed under the provisions of this section,**
22 **the director of revenue shall perform all functions incident to the administration,**
23 **collection, enforcement, and operation of the tax, and the director of revenue shall collect,**
24 **in addition to the sales tax for this state, the additional tax authorized under the authority**
25 **of this section. The tax imposed under this section and the tax imposed under the sales**

26 **tax law of this state shall be collected together and reported upon such forms and under**
 27 **such administrative rules and regulations as may be prescribed by the director of revenue.**

67.1775. 1. The governing body of a city not within a county, or any county of this state
 2 may, after voter approval under this section, levy a sales tax not to exceed one-quarter of a cent
 3 in the county or city, or city not within a county, **on all retail sales made in the city or county**
 4 **which are subject to sales tax under chapter 144** for the purpose of providing services
 5 described in section 210.861, including counseling, family support, and temporary residential
 6 services to persons nineteen years of age or less. The question shall be submitted to the
 7 qualified voters of the county or city, or city not within a county, at a county or city or state
 8 general, primary or special election upon the motion of the governing body of the county or city,
 9 or city not within a county or upon the petition of eight percent of the qualified voters of the
 10 county or city, or city not within a county, determined on the basis of the number of votes cast
 11 for governor in such county at the last gubernatorial election held prior to the filing of the
 12 petition. The election officials of the county or city, or city not within a county, shall give legal
 13 notice as provided in chapter 115. The question shall be submitted in substantially the
 14 following form:

15 Shall _____ County or City, solely for the purpose of establishing a
 16 community children's services fund for the purpose of providing services to protect the
 17 well-being and safety of children and youth nineteen years of age or less and to strengthen
 18 families, be authorized to levy a sales tax of _____ (not to exceed one-quarter of a cent)
 19 in the city or county?

20 YES NO

21
 22 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
 23 of the question, then the ordinance or order and any amendments thereto shall be in effect ~~on~~
 24 ~~the first day of the second calendar quarter after the director receives notification of the local~~
 25 ~~sales tax] as provided by subsection 19 of section 32.087.~~ If a question receives less than the
 26 required majority, then the governing authority of the city or county, or city not within a county,
 27 shall have no power to impose the sales tax unless and until the governing authority of the city
 28 or county, or city not within a county, has submitted another question to authorize the
 29 imposition of the sales tax authorized by this section and such question is approved by the
 30 required majority of the qualified voters voting thereon. However, in no event shall a question
 31 under this section be submitted to the voters sooner than twelve months from the date of the last
 32 question under this section.

33 2. After the effective date of any tax imposed under the provisions of this section, the
 34 director of revenue shall perform all functions incident to the administration, collection,

35 enforcement, and operation of the tax and the director of revenue shall collect in addition to the
36 sales tax for the state of Missouri the additional tax authorized under the authority of this
37 section. The tax imposed under this section and the tax imposed under the sales tax law of the
38 state of Missouri shall be collected together and reported upon such forms and under such
39 administrative rules and regulations as may be prescribed by the director of revenue.

40 3. All sales taxes collected by the director of revenue under this section on behalf of any
41 city or county, or city not within a county~~], less one percent for the cost of collection, which~~
42 ~~shall be deposited in the state's general revenue fund after payment of premiums for surety~~
43 ~~bonds as provided in section 32.087,]~~ shall be deposited with the state treasurer in a special
44 fund, which is hereby created, to be known as the "Community Children's Services Fund". ~~[The~~
45 ~~moneys in the city or county, or city not within a county, community children's services fund~~
46 ~~shall not be deemed to be state funds and shall not be commingled with any funds of the state.]~~
47 The director of revenue shall keep accurate records of the amount of money in the fund which
48 was collected in each city or county, or city not within a county, imposing a sales tax under this
49 section, and the records shall be open to the inspection of officers of each city or county, or city
50 not within a county, and the general public. Not later than the tenth day of each month, the
51 director of revenue shall distribute all moneys deposited in the fund during the preceding month
52 by distributing to the city or county treasurer, or the treasurer of a city not within a county, or
53 such other officer as may be designated by a city or county ordinance or order, or ordinance or
54 order of a city not within a county, of each city or county, or city not within a county, imposing
55 the tax authorized by this section, the sum, as certified by the director of revenue, due the city
56 or county.

57 4. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the
58 amounts in the fund and credited to any city or county, or city not within a county, for erroneous
59 payments and overpayments made, and may redeem dishonored checks and drafts deposited to
60 the credit of such counties. Each city or county, or city not within a county, shall notify the
61 director of revenue ~~[at least ninety days]~~ prior to the effective date of the expiration of the sales
62 tax authorized by this section, and **the repeal shall be effective as provided by subsection 19**
63 **of section 32.087.** The director of revenue may order retention in the fund, for a period of one
64 year, of two percent of the amount collected after receipt of such notice to cover possible
65 refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to
66 the credit of such accounts. After one year has elapsed after the date of expiration of the tax
67 authorized by this section in such city not within a county or such city or county, the director
68 of revenue shall remit the balance in the account to the city or county, or city not within a
69 county, and close the account of that city or county, or city not within a county. The director

70 of revenue shall notify each city or county, or city not within a county, of each instance of any
 71 amount refunded or any check redeemed from receipts due the city or county.

72 5. Except as modified in this section, all provisions of sections 32.085 ~~[and]~~ to 32.087
 73 shall apply to the tax imposed under this section.

74 6. All revenues generated by the tax prescribed in this section shall be deposited in the
 75 county treasury or, in a city not within a county, to the board established by law to administer
 76 such fund to the credit of a special community children's services fund to accomplish the
 77 purposes set out herein and in section 210.861, and shall be used for no other purpose. Such
 78 fund shall be administered by a board of directors, established under section 210.861.

67.1959. 1. The board, by a majority vote, may submit to the residents of such district
 2 a tax of not more than one percent on all retail sales, except sales of ~~[food as defined in section~~
 3 ~~144.014, sales of]~~ new or used motor vehicles, trailers, boats, or ~~[other]~~ outboard motors, ~~[all~~
 4 ~~utilities, telephone and wireless services, and sales of funeral services,]~~ made **on or after**
 5 **January 1, 2019**, within the district which are subject to taxation ~~[pursuant to the provisions~~
 6 ~~of sections 144.010 to 144.525]~~ **under chapter 144**. Upon the written request of the board to
 7 the election authority of the county in which a majority of the area of the district is situated,
 8 such election authority shall submit a proposition to the residents of such district at a municipal
 9 or statewide primary or general election, or at a special election called for that purpose. Such
 10 election authority shall give legal notice as provided in chapter 115.

11 2. Such proposition shall be submitted to the voters of the district in substantially the
 12 following form at such election:

13 Shall the Tourism Community Enhancement District impose a sales tax of _____
 14 (insert ~~[amount]~~ **rate of percent**) for the purpose of promoting tourism in the district?

15 YES NO

16

17 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
 18 to the question, place an "X" in the box opposite "NO".

19

20 If a majority of the votes cast on the proposal by the qualified voters of the proposed district
 21 voting thereon are in favor of the proposal, then the order shall become effective ~~[on the first~~
 22 ~~day of the second calendar quarter after the director of revenue receives notice of adoption of~~
 23 ~~the tax]~~ **as provided in subsection 19 of section 32.087**. If the proposal receives less than the
 24 required majority, then the board shall have no power to impose the sales tax authorized
 25 ~~[pursuant to]~~ **under** this section unless and until the board shall again have submitted another
 26 proposal to authorize the board to impose the sales tax authorized by this section and such
 27 proposal is approved by the required majority of the qualified voters of the district.

28 **3. Except as modified by this section, all provisions of sections 32.085 to 32.087**
29 **shall apply to the tax imposed under this section.**

67.2000. 1. This section shall be known as the "Exhibition Center and Recreational
2 Facility District Act".

3 2. An exhibition center and recreational facility district may be created under this
4 section in the following counties:

5 (1) Any county of the first classification with more than seventy-one thousand three
6 hundred but less than seventy-one thousand four hundred inhabitants;

7 (2) Any county of the first classification with more than one hundred ninety-eight
8 thousand but less than one hundred ninety-nine thousand two hundred inhabitants;

9 (3) Any county of the first classification with more than eighty-five thousand nine
10 hundred but less than eighty-six thousand inhabitants;

11 (4) Any county of the second classification with more than fifty-two thousand six
12 hundred but less than fifty-two thousand seven hundred inhabitants;

13 (5) Any county of the first classification with more than one hundred four thousand six
14 hundred but less than one hundred four thousand seven hundred inhabitants;

15 (6) Any county of the third classification without a township form of government and
16 with more than seventeen thousand nine hundred but less than eighteen thousand inhabitants;

17 (7) Any county of the first classification with more than thirty-seven thousand but less
18 than thirty-seven thousand one hundred inhabitants;

19 (8) Any county of the third classification without a township form of government and
20 with more than twenty-three thousand five hundred but less than twenty-three thousand six
21 hundred inhabitants;

22 (9) Any county of the third classification without a township form of government and
23 with more than nineteen thousand three hundred but less than nineteen thousand four hundred
24 inhabitants;

25 (10) Any county of the first classification with more than two hundred forty thousand
26 three hundred but less than two hundred forty thousand four hundred inhabitants;

27 (11) Any county of the third classification with a township form of government and
28 with more than eight thousand nine hundred but fewer than nine thousand inhabitants;

29 (12) Any county of the third classification without a township form of government and
30 with more than eighteen thousand nine hundred but fewer than nineteen thousand inhabitants;

31 (13) Any county of the third classification with a township form of government and
32 with more than eight thousand but fewer than eight thousand one hundred inhabitants;

33 (14) Any county of the third classification with a township form of government and
34 with more than eleven thousand five hundred but fewer than eleven thousand six hundred
35 inhabitants.

36 3. Whenever not less than fifty owners of real property located within any county listed
37 in subsection 2 of this section desire to create an exhibition center and recreational facility
38 district, the property owners shall file a petition with the governing body of each county located
39 within the boundaries of the proposed district requesting the creation of the district. The district
40 boundaries may include all or part of the counties described in this section. The petition shall
41 contain the following information:

42 (1) The name and residence of each petitioner and the location of the real property
43 owned by the petitioner;

44 (2) A specific description of the proposed district boundaries, including a map
45 illustrating the boundaries; and

46 (3) The name of the proposed district.

47 4. Upon the filing of a petition ~~pursuant to~~ **under** this section, the governing body of
48 any county described in this section may, by resolution, approve the creation of a district. Any
49 resolution to establish such a district shall be adopted by the governing body of each county
50 located within the proposed district, and shall contain the following information:

51 (1) A description of the boundaries of the proposed district;

52 (2) The time and place of a hearing to be held to consider establishment of the proposed
53 district;

54 (3) The proposed sales tax rate to be voted on within the proposed district; and

55 (4) The proposed uses for the revenue generated by the new sales tax.

56 5. Whenever a hearing is held as provided by this section, the governing body of each
57 county located within the proposed district shall:

58 (1) Publish notice of the hearing on two separate occasions in at least one newspaper
59 of general circulation in each county located within the proposed district, with the first
60 publication to occur not more than thirty days before the hearing, and the second publication
61 to occur not more than fifteen days or less than ten days before the hearing;

62 (2) Hear all protests and receive evidence for or against the establishment of the
63 proposed district; and

64 (3) Rule upon all protests, which determinations shall be final.

65 6. Following the hearing, if the governing body of each county located within the
66 proposed district decides to establish the proposed district, it shall adopt an order to that effect;
67 if the governing body of any county located within the proposed district decides to not establish

68 the proposed district, the boundaries of the proposed district shall not include that county. The
69 order shall contain the following:

- 70 (1) The description of the boundaries of the district;
- 71 (2) A statement that an exhibition center and recreational facility district has been
72 established;
- 73 (3) The name of the district;
- 74 (4) The uses for any revenue generated by a sales tax imposed ~~[pursuant to]~~ **under** this
75 section; and
- 76 (5) A declaration that the district is a political subdivision of the state.

77 7. A district established ~~[pursuant to]~~ **under** this section may, at a general, primary, or
78 special election, submit to the qualified voters within the district boundaries a sales tax of
79 one-fourth of one percent, for a period not to exceed twenty-five years, on all retail sales within
80 the district, which are subject to taxation ~~[pursuant to sections 144.010 to 144.525]~~ **under**
81 **chapter 144**, to fund the acquisition, construction, maintenance, operation, improvement, and
82 promotion of an exhibition center and recreational facilities. The ballot of submission shall be
83 in substantially the following form:

84 Shall the _____ (name of district) impose a sales tax of one-fourth
85 of one percent to fund the acquisition, construction, maintenance, operation, improvement, and
86 promotion of an exhibition center and recreational facilities, for a period of _____ (insert
87 number of years)?

88 YES NO

89

90 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
91 to the question, place an "X" in the box opposite "NO".

92

93 If a majority of the votes cast in the portion of any county that is part of the proposed district
94 favor the proposal, then the sales tax shall become effective in that portion of the county ~~[that~~
95 ~~is part of the proposed district on the first day of the first calendar quarter immediately~~
96 ~~following the election]~~ **as provided by subsection 19 of section 32.087**. If a majority of the
97 votes cast in the portion of a county that is a part of the proposed district oppose the proposal,
98 then that portion of such county shall not impose the sales tax authorized in this section until
99 after the county governing body has submitted another such sales tax proposal and the proposal
100 is approved by a majority of the qualified voters voting thereon. However, if a sales tax
101 proposal is not approved, the governing body of the county shall not resubmit a proposal to the
102 voters ~~[pursuant to]~~ **under** this section sooner than twelve months from the date of the last
103 proposal submitted ~~[pursuant to]~~ **under** this section. If the qualified voters in two or more

104 counties that have contiguous districts approve the sales tax proposal, the districts shall combine
105 to become one district.

106 8. There is hereby created a board of trustees to administer any district created and the
107 expenditure of revenue generated ~~[pursuant to]~~ **under** this section consisting of four individuals
108 to represent each county approving the district, as provided in this subsection. The governing
109 body of each county located within the district, upon approval of that county's sales tax
110 proposal, shall appoint four members to the board of trustees; at least one shall be an owner of
111 a nonlodging business located within the taxing district, or their designee, at least one shall be
112 an owner of a lodging facility located within the district, or their designee, and all members
113 shall reside in the district except that one nonlodging business owner, or their designee, and one
114 lodging facility owner, or their designee, may reside outside the district. Each trustee shall be
115 at least twenty-five years of age and a resident of this state. Of the initial trustees appointed
116 from each county, two shall hold office for two years, and two shall hold office for four years.
117 Trustees appointed after expiration of the initial terms shall be appointed to a four-year term by
118 the governing body of the county the trustee represents, with the initially appointed trustee to
119 remain in office until a successor is appointed, and shall take office upon being appointed. Each
120 trustee may be reappointed. Vacancies shall be filled in the same manner in which the trustee
121 vacating the office was originally appointed. The trustees shall not receive compensation for
122 their services, but may be reimbursed for their actual and necessary expenses. The board shall
123 elect a chair and other officers necessary for its membership. Trustees may be removed if:

124 (1) By a two-thirds vote, the board moves for the member's removal and submits such
125 motion to the governing body of the county from which the trustee was appointed; and

126 (2) The governing body of the county from which the trustee was appointed, by a
127 majority vote, adopts the motion for removal.

128 9. The board of trustees shall have the following powers, authority, and privileges:

129 (1) To have and use a corporate seal;

130 (2) To sue and be sued, and be a party to suits, actions, and proceedings;

131 (3) To enter into contracts, franchises, and agreements with any person or entity, public
132 or private, affecting the affairs of the district, including contracts with any municipality, district,
133 or state, or the United States, and any of their agencies, political subdivisions, or
134 instrumentalities, for the funding, including without limitation interest rate exchange or swap
135 agreements, planning, development, construction, acquisition, maintenance, or operation of a
136 single exhibition center and recreational facilities or to assist in such activity. "Recreational
137 facilities" means locations explicitly designated for public use where the primary use of the
138 facility involves participation in hobbies or athletic activities;

139 (4) To borrow money and incur indebtedness and evidence the same by certificates,
140 notes, or debentures, to issue bonds and use any one or more lawful funding methods the district
141 may obtain for its purposes at such rates of interest as the district may determine. Any bonds,
142 notes, and other obligations issued or delivered by the district may be secured by mortgage,
143 pledge, or deed of trust of any or all of the property and income of the district. Every issue of
144 such bonds, notes, or other obligations shall be payable out of property and revenues of the
145 district and may be further secured by other property of the district, which may be pledged,
146 assigned, mortgaged, or a security interest granted for such payment, without preference or
147 priority of the first bonds issued, subject to any agreement with the holders of any other bonds
148 pledging any specified property or revenues. Such bonds, notes, or other obligations shall be
149 authorized by resolution of the district board, and shall bear such date or dates, and shall mature
150 at such time or times, but not in excess of thirty years, as the resolution shall specify. Such
151 bonds, notes, or other obligations shall be in such denomination, bear interest at such rate or
152 rates, be in such form, either coupon or registered, be issued as current interest bonds,
153 compound interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be
154 issued in such manner, be payable in such place or places, and be subject to redemption as such
155 resolution may provide, notwithstanding section 108.170. The bonds, notes, or other
156 obligations may be sold at either public or private sale, at such interest rates, and at such price
157 or prices as the district shall determine;

158 (5) To acquire, transfer, donate, lease, exchange, mortgage, and encumber real and
159 personal property in furtherance of district purposes;

160 (6) To refund any bonds, notes, or other obligations of the district without an election.
161 The terms and conditions of refunding obligations shall be substantially the same as those of
162 the original issue, and the board shall provide for the payment of interest at not to exceed the
163 legal rate, and the principal of such refunding obligations in the same manner as is provided for
164 the payment of interest and principal of obligations refunded;

165 (7) To have the management, control, and supervision of all the business and affairs of
166 the district, and the construction, installation, operation, and maintenance of district
167 improvements therein; to collect rentals, fees, and other charges in connection with its services
168 or for the use of any of its facilities;

169 (8) To hire and retain agents, employees, engineers, and attorneys;

170 (9) To receive and accept by bequest, gift, or donation any kind of property;

171 (10) To adopt and amend bylaws and any other rules and regulations not in conflict with
172 the constitution and laws of this state, necessary for the carrying on of the business, objects, and
173 affairs of the board and of the district; and

174 (11) To have and exercise all rights and powers necessary or incidental to or implied
175 from the specific powers granted by this section.

176 10. There is hereby created the "Exhibition Center and Recreational Facility District
177 Sales Tax Trust Fund", which shall consist of all sales tax revenue collected ~~[pursuant to]~~ **under**
178 this section. The director of revenue shall be custodian of the trust fund, and moneys in the trust
179 fund shall be used solely for the purposes authorized in this section. Moneys in the trust fund
180 shall be considered nonstate funds ~~[pursuant to]~~ **under** section 15, article IV, Constitution of
181 Missouri. The director of revenue shall invest moneys in the trust fund in the same manner as
182 other funds are invested. Any interest and moneys earned on such investments shall be credited
183 to the trust fund. All sales taxes collected by the director of revenue ~~[pursuant to]~~ **under** this
184 section on behalf of the district~~], less one percent for the cost of collection which shall be~~
185 ~~deposited in the state's general revenue fund after payment of premiums for surety bonds as~~
186 ~~provided in section 32.087,]~~ shall be deposited in the trust fund. The director of revenue shall
187 keep accurate records of the amount of moneys in the trust fund which was collected in the
188 district imposing a sales tax ~~[pursuant to]~~ **under** this section, and the records shall be open to
189 the inspection of the officers of each district and the general public. Not later than the tenth day
190 of each month, the director of revenue shall distribute all moneys deposited in the trust fund
191 during the preceding month to the district. The director of revenue may authorize refunds from
192 the amounts in the trust fund and credited to the district for erroneous payments and
193 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of
194 the district.

195 11. The sales tax authorized by this section is in addition to all other sales taxes allowed
196 by law. **After the effective date of any tax imposed under the provisions of this section, the**
197 **director of revenue shall perform all functions incident to the administration, collection,**
198 **enforcement, and operation of the tax and collect, in addition to the sales tax for this state,**
199 **the additional tax authorized under the authority of this section. The tax imposed under**
200 **this section and the tax imposed under the sales tax law of this state shall be collected**
201 **together and reported upon such forms and under such administrative rules and**
202 **regulations as may be prescribed by the director of revenue.**

203 12. Except as modified in this section, all provisions of sections 32.085 ~~and~~ to 32.087
204 apply to the sales tax imposed ~~[pursuant to]~~ **under** this section.

205 ~~[+2.]~~ 13. Any sales tax imposed ~~[pursuant to]~~ **under** this section shall not extend past
206 the initial term approved by the voters unless an extension of the sales tax is submitted to and
207 approved by the qualified voters in each county in the manner provided in this section. Each
208 extension of the sales tax shall be for a period not to exceed twenty years. The ballot of
209 submission for the extension shall be in substantially the following form:

210 Shall the _____ (name of district) extend the sales tax of one-fourth
211 of one percent for a period of _____ (insert number of years) years to fund the acquisition,
212 construction, maintenance, operation, improvement, and promotion of an exhibition center and
213 recreational facilities?

214 YES NO

215

216 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
217 to the question, place an "X" in the box opposite "NO".

218

219 If a majority of the votes cast favor the extension, then the sales tax shall remain in effect at the
220 rate and for the time period approved by the voters. If a sales tax extension is not approved, the
221 district may submit another sales tax proposal as authorized in this section, but the district shall
222 not submit such a proposal to the voters sooner than twelve months from the date of the last
223 extension submitted.

224 ~~[13.]~~ **14.** Once the sales tax authorized by this section is abolished or terminated by any
225 means, all funds remaining in the trust fund shall be used solely for the purposes approved in
226 the ballot question authorizing the sales tax. The sales tax shall not be abolished or terminated
227 while the district has any financing or other obligations outstanding; provided that any new
228 financing, debt, or other obligation or any restructuring or refinancing of an existing debt or
229 obligation incurred more than ten years after voter approval of the sales tax provided in this
230 section or more than ten years after any voter-approved extension thereof shall not cause the
231 extension of the sales tax provided in this section or cause the final maturity of any financing
232 or other obligations outstanding to be extended. Any funds in the trust fund which are not
233 needed for current expenditures may be invested by the district in the securities described in
234 subdivisions (1) to (12) of subsection 1 of section 30.270 or repurchase agreements secured by
235 such securities. If the district abolishes the sales tax, the district shall notify the director of
236 revenue of the action ~~[at least ninety days before]~~ **prior to** the effective date of the repeal, and
237 **the repeal shall be effective as provided by subsection 19 of section 32.087.** The director
238 of revenue may order retention in the trust fund, for a period of one year, of two percent of the
239 amount collected after receipt of such notice to cover possible refunds or overpayment of the
240 sales tax and to redeem dishonored checks and drafts deposited to the credit of such accounts.
241 After one year has elapsed after the effective date of abolition of the sales tax in the district, the
242 director of revenue shall remit the balance in the account to the district and close the account
243 of the district. The director of revenue shall notify the district of each instance of any amount
244 refunded or any check redeemed from receipts due the district.

245 ~~[14.]~~ **15.** In the event that the district is dissolved or terminated by any means, the
 246 governing bodies of the counties in the district shall appoint a person to act as trustee for the
 247 district so dissolved or terminated. Before beginning the discharge of duties, the trustee shall
 248 take and subscribe an oath to faithfully discharge the duties of the office, and shall give bond
 249 with sufficient security, approved by the governing bodies of the counties, to the use of the
 250 dissolved or terminated district, for the faithful discharge of duties. The trustee shall have and
 251 exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining
 252 obligations of the district, shall pay over to the county treasurer of each county in the district
 253 and take receipt for all remaining moneys in amounts based on the ratio the levy of each county
 254 bears to the total levy for the district in the previous three years or since the establishment of
 255 the district, whichever time period is shorter. Upon payment to the county treasurers, the trustee
 256 shall deliver to the clerk of the governing body of any county in the district all books, papers,
 257 records, and deeds belonging to the dissolved district.

67.2030. 1. The governing authority of any city of the fourth classification with more
 2 than one thousand six hundred but less than one thousand seven hundred inhabitants and located
 3 in any county of the first classification with more than seventy-three thousand seven hundred
 4 but less than seventy-three thousand eight hundred inhabitants is hereby authorized to impose,
 5 by ordinance or order, a sales tax in the amount not to exceed one-half of one percent on all
 6 retail sales made in such city which are subject to taxation ~~[pursuant to sections 144.010 to~~
 7 ~~144.525]~~ **under chapter 144** for the promotion of tourism in such city. The tax authorized by
 8 this section shall be in addition to any and all other sales taxes allowed by law, except that no
 9 ordinance or order imposing a sales tax ~~[pursuant to]~~ **under** this section shall be effective unless
 10 the governing authority of the city submits to the qualified voters of the city, at any municipal
 11 or state general, primary, or special election, a proposal to authorize the governing authority of
 12 the city to impose a tax.

13 2. The ballot of submission shall be in substantially the following form:

14 Shall the city of _____ (city's name) impose a citywide sales tax of
 15 _____ (insert ~~[amount]~~ **rate of percent**) for the purpose of promoting tourism in the city?

16 YES NO

17

18 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
 19 to the question, place an "X" in the box opposite "NO".

20

21 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
 22 of the proposal, then the ordinance or order and any amendments thereto shall be in effect ~~[on~~
 23 ~~the first day of the first calendar quarter immediately following notification to the director of~~

24 ~~the department of revenue of the election approving the proposal]~~ **as provided by subsection**
25 **19 of section 32.087.** If a proposal receives less than the required majority, then the governing
26 authority of the city shall have no power to impose the sales tax unless and until the governing
27 authority of the city has submitted another proposal to authorize the imposition of the sales tax
28 authorized by this section and such proposal is approved by the required majority of the
29 qualified voters voting thereon. However, in no event shall a proposal ~~[pursuant to]~~ **under** this
30 section be submitted to the voters sooner than twelve months from the date of the last proposal
31 ~~[pursuant to]~~ **under** this section.

32 3. ~~[On and after the effective date of any tax authorized in this section, the city may~~
33 ~~adopt one of the two following provisions for the collection and administration of the tax:~~

34 ~~—— (1) The city may adopt rules and regulations for the internal collection of such tax by~~
35 ~~the city officers usually responsible for collection and administration of city taxes; or~~

36 ~~—— (2) The city may enter into an agreement with the director of revenue of the state of~~
37 ~~Missouri for the purpose of collecting the tax authorized in this section. In the event any city~~
38 ~~enters into an agreement with the director of revenue of the state of Missouri for the collection~~
39 ~~of the tax authorized in this section, the director of revenue shall perform all functions incident~~
40 ~~to the administration, collection, enforcement, and operation of such tax, and the director of~~
41 ~~revenue shall collect the additional tax authorized in this section. The tax authorized in this~~
42 ~~section shall be collected and reported upon such forms and under such administrative rules and~~
43 ~~regulations as may be prescribed by the director of revenue, and the director of revenue shall~~
44 ~~retain an amount not to exceed one percent for cost of collection:~~

45 ~~—— 4. If a tax is imposed by a city pursuant to this section, the city may collect a penalty~~
46 ~~of one percent and interest not to exceed two percent per month on unpaid taxes which shall be~~
47 ~~considered delinquent thirty days after the last day of each quarter]~~ **After the effective date of**
48 **any tax imposed under the provisions of this section, the director of revenue shall perform**
49 **all functions incident to the administration, collection, enforcement, and operation of the**
50 **tax and collect, in addition to the sales tax for this state, the additional tax authorized**
51 **under the authority of this section. The tax imposed under this section and the tax**
52 **imposed under the sales tax law of this state shall be collected together and reported upon**
53 **such forms and under such administrative rules and regulations as may be prescribed by**
54 **the director of revenue.**

55 ~~[5-]~~ 4. (1) The governing authority of any city that has adopted any sales tax ~~[pursuant~~
56 ~~to]~~ **under** this section shall, upon filing of a petition calling for the repeal of such sales tax
57 signed by at least ten percent of the qualified voters in the city, submit the question of repeal
58 of the sales tax to the qualified voters at any primary or general election. The ballot of
59 submission shall be in substantially the following form:

60 Shall _____ (insert name of city) repeal the sales tax of _____
 61 (insert rate of percent) percent for tourism purposes now in effect in _____
 62 (insert name of city)?

63 YES NO

64

65 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
 66 to the question, place an "X" in the box opposite "NO".

67

68 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become
 69 effective ~~[on December thirty-first of the calendar year in which such repeal was approved]~~ **as**
 70 **provided by subsection 19 of section 32.087. If the city or county abolishes the tax, the city**
 71 **or county shall notify the director of revenue of the action prior to the effective date of the**
 72 **repeal, as provided by subsection 19 of section 32.087.**

73 (2) Once the tax is repealed as provided in this section, all funds remaining in any trust
 74 fund or account established to receive revenues generated by the tax shall be used solely for the
 75 original stated purpose of the tax. Any funds which are not needed for current expenditures may
 76 be invested by the governing authority in accordance with applicable laws relating to the
 77 investment of other city funds.

78 (3) The governing authority of a city repealing a tax ~~[pursuant to]~~ **under** this section
 79 shall notify the director of revenue of the action ~~[at least forty-five days before]~~ **prior to** the
 80 effective date of the repeal, and **the repeal shall be effective as provided by subsection 19 of**
 81 **section 32.087.** The director of revenue may order retention in any trust fund created in the
 82 state treasury associated with the tax, for a period of one year, of two percent of the amount
 83 collected after receipt of such notice to cover refunds or overpayment of the tax and to redeem
 84 dishonored checks and drafts deposited to the credit of such accounts. After one year has
 85 elapsed after the effective date of repeal of the tax in the city, the director of revenue shall remit
 86 the balance in the trust fund to the city and close the account of that city. The director of
 87 revenue shall notify each city of each instance of any amount refunded or any check redeemed
 88 from receipts due the city.

89 (4) In the event that the repeal of a sales tax ~~[pursuant to]~~ **under** this section dissolves
 90 or terminates a taxing district, the governing authority of the city shall appoint a person to act
 91 as trustee for the district so dissolved or terminated. Before beginning the discharge of duties,
 92 the trustee shall take and subscribe an oath to faithfully discharge the duties of the office, and
 93 shall give bond with sufficient security, approved by the governing authority of the city, to the
 94 use of the dissolved or terminated district, for the faithful discharge of duties. The trustee shall
 95 have and exercise all powers necessary to liquidate the district, and upon satisfaction of all

96 remaining obligations of the district, shall pay over to the city treasurer or the equivalent official
97 and take receipt for all remaining moneys. Upon payment to the city treasurer, the trustee shall
98 deliver to the clerk of the governing authority of the city all books, papers, records, and deeds
99 belonging to the dissolved district.

100 ~~[6-]~~ **5.** Except as modified in this section, all provisions of sections 32.085 ~~[and]~~ **to**
101 32.087 shall apply to the tax imposed ~~[pursuant to]~~ **under** this section.

67.2525. 1. Each member of the board of directors shall have the following
2 qualifications:

3 (1) As to those subdistricts in which there are registered voters, a resident registered
4 voter in the subdistrict that he or she represents, or be a property owner or, as to those
5 subdistricts in which there are not registered voters who are residents, a property owner or
6 representative of a property owner in the subdistrict he or she represents;

7 (2) Be at least twenty-one years of age and a registered voter in the district.

8 2. The district shall be subdivided into at least five but not more than fifteen
9 subdistricts, which shall be represented by one representative on the district board of directors.
10 All board members shall have terms of four years, including the initial board of directors. All
11 members shall take office upon being appointed and shall remain in office until a successor is
12 appointed by the mayor or ~~[chairman]~~ **chair** of the municipality in which the district is located,
13 or elected by the property owners in those subdistricts without registered voters.

14 3. For those subdistricts which contain one or more registered voters, the mayor or
15 ~~[chairman]~~ **chair** of the city, town, or village shall, with the consent of the governing body,
16 appoint a registered voter residing in the subdistrict to the board of directors.

17 4. For those subdistricts which contain no registered voters, the property owners who
18 collectively own one or more parcels of real estate comprising more than half of the land
19 situated in each subdistrict shall meet and shall elect a representative to serve upon the board
20 of directors. The clerk of the city, town, or village in which the petition was filed shall, unless
21 waived in writing by all property owners in the subdistrict, give notice by causing publication
22 to be made once a week for two consecutive weeks in a newspaper of general circulation in the
23 county, the last publication of which shall be at least ten days before the day of the meeting
24 required by this section, to call a meeting of the owners of real property within the subdistrict
25 at a day and hour specified in a public place in the city, town, or village in which the petition
26 was filed for the purpose of electing members of the board of directors.

27 5. The property owners, when assembled, shall organize by the election of a temporary
28 ~~[chairman]~~ **chair** and secretary of the meeting who shall conduct the election. An election shall
29 be conducted for each subdistrict, with the eligible property owners voting in that subdistrict.
30 At the election, each acre of real property within the subdistrict shall represent one share, and

31 each owner, including corporations and other entities, may have one vote in person or for every
32 acre of real property owned by such person within the subdistrict. Each voter which is not an
33 individual shall determine how to cast its vote as provided for in its articles of incorporation,
34 articles of organization, articles of partnership, bylaws, or other document which sets forth an
35 appropriate mechanism for the determination of the entity's vote. If a voter has no such
36 mechanism, then its vote shall be cast as determined by a majority of the persons who run the
37 day-to-day affairs of the voter. The results of the meeting shall be certified by the temporary
38 ~~chairman~~ **chair** and secretary to the municipal clerk if the district is established by a
39 municipality described in this section, or to the circuit clerk if the district is established by a
40 circuit court.

41 6. Successor boards shall be appointed or elected, depending upon the presence or
42 absence of resident registered voters, by the mayor or ~~chairman~~ **chair** of a city, town, or
43 village described in this section, or the property owners as set forth above; provided, however,
44 that elections held by the property owners after the initial board is elected shall be certified to
45 the municipal clerk of the city, town, or village where the district is located and the board of
46 directors of the district.

47 7. Should a vacancy occur on the board of directors, the mayor or ~~chairman~~ **chair** of
48 the city, town, or village if there are registered voters within the subdistrict, or a majority of the
49 owners of real property in a subdistrict if there are not registered voters in the subdistrict, shall
50 have the authority to appoint or elect, as set forth in this section, an interim director to complete
51 any unexpired term of a director caused by resignation or disqualification.

52 8. The board shall possess and exercise all of the district's legislative and executive
53 powers, including:

54 (1) The power to fund, promote and provide educational, civic, musical, theatrical,
55 cultural, concerts, lecture series, and related or similar entertainment events or activities, and
56 fund, promote, plan, design, construct, improve, maintain, and operate public improvements,
57 transportation projects, and related facilities within the district;

58 (2) The power to accept and disburse tax or other revenue collected in the district; and

59 (3) The power to receive property by gift or otherwise.

60 9. Within thirty days after the selection of the initial directors, the board shall meet. At
61 its first meeting and annually thereafter the board shall elect a ~~chairman~~ **chair** from its
62 members.

63 10. The board shall appoint an executive director, district secretary, treasurer, and such
64 other officers or employees as it deems necessary.

65 11. At the first meeting, the board, by resolution, shall define the first and subsequent
66 fiscal years of the district, and shall adopt a corporate seal.

67 12. A simple majority of the board shall constitute a quorum. If a quorum exists, a
68 majority of those voting shall have the authority to act in the name of the board, and approve
69 any board resolution.

70 13. At the first meeting, the board, by resolution, shall receive the certification of the
71 election regarding the sales tax, and may impose the sales tax in all subdistricts approving the
72 imposing sales tax. In those subdistricts that approve the sales tax, the sales tax shall become
73 effective ~~[on the first day of the first calendar quarter immediately following the action by the~~
74 ~~district board of directors imposing the tax]~~ **as provided by subsection 19 of section 32.087.**

75 14. Each director shall devote such time to the duties of the office as the faithful
76 discharge thereof may require and be reimbursed for his or her actual expenditures in the
77 performance of his or her duties on behalf of the district. Directors may be compensated, but
78 such compensation shall not exceed one hundred dollars per month.

79 15. In addition to all other powers granted by sections 67.2500 to 67.2530, the district
80 shall have the following general powers:

81 (1) To sue and be sued in its own name, and to receive service of process, which shall
82 be served upon the district secretary;

83 (2) To fix compensation of its employees and contractors;

84 (3) To enter into contracts, franchises, and agreements with any person or entity, public
85 or private, affecting the affairs of the district, including contracts with any municipality, district,
86 or state, or the United States, and any of their agencies, political subdivisions, or
87 instrumentalities, for the funding, including without limitation, interest rate exchange or swap
88 agreements, planning, development, construction, acquisition, maintenance, or operation of a
89 district facility or to assist in such activity;

90 (4) To acquire, develop, construct, equip, transfer, donate, lease, exchange, mortgage,
91 and encumber real and personal property in furtherance of district purposes;

92 (5) To collect and disburse funds for its activities;

93 (6) To collect taxes and other revenues;

94 (7) To borrow money and incur indebtedness and evidence the same by certificates,
95 notes, bonds, debentures, or refunding of any such obligations for the purpose of paying all or
96 any part of the cost of land, construction, development, or equipping of any facilities or
97 operations of the district;

98 (8) To own or lease real or personal property for use in connection with the exercise of
99 powers ~~[pursuant to]~~ **under** this subsection;

100 (9) To provide for the election or appointment of officers, including a ~~[chairman]~~ **chair**,
101 treasurer, and secretary. Officers shall not be required to be residents of the district, and one
102 officer may hold more than one office;

- 103 (10) To hire and retain agents, employees, engineers, and attorneys;
- 104 (11) To enter into entertainment contracts binding the district and artists, agencies, or
105 performers, management contracts, contracts relating to the booking of entertainment and the
106 sale of tickets, and all other contracts which relate to the purposes of the district;
- 107 (12) To contract with a local government, a corporation, partnership, or individual
108 regarding funding, promotion, planning, designing, constructing, improving, maintaining, or
109 operating a project or to assist in such activity;
- 110 (13) To contract for transfer to a city, town, or village such district facilities and
111 improvements free of cost or encumbrance on such terms set forth by contract;
- 112 (14) To exercise such other powers necessary or convenient for the district to
113 accomplish its purposes which are not inconsistent with its express powers.
- 114 16. A district may at any time authorize or issue notes, bonds, or other obligations for
115 any of its powers or purposes. Such notes, bonds, or other obligations:
- 116 (1) Shall be in such amounts as deemed necessary by the district, including costs of
117 issuance thereof;
- 118 (2) Shall be payable out of all or any portion of the revenues or other assets of the
119 district;
- 120 (3) May be secured by any property of the district which may be pledged, assigned,
121 mortgaged, or otherwise encumbered for payment;
- 122 (4) Shall be authorized by resolution of the district, and if issued by the district, shall
123 bear such date or dates, and shall mature at such time or times, but not in excess of forty years,
124 as the resolution shall specify;
- 125 (5) Shall be in such denomination, bear interest at such rates, be in such form, be issued
126 as current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or
127 zero coupon bonds, be issued in such manner, be payable in such place or places and subject
128 to redemption as such resolution may provide; and
- 129 (6) May be sold at either public or private sale, at such interest rates, and at such price
130 or prices as the district shall determine. The provisions of this subsection are applicable to the
131 district notwithstanding the provisions of section 108.170.

67.2530. 1. Any note, bond, or other indebtedness of the district may be refunded at
2 any time by the district by issuing refunding bonds in such amount as the district may deem
3 necessary. Such bonds shall be subject to and shall have the benefit of the foregoing provisions
4 regarding notes, bonds, and other obligations. Without limiting the generality of the foregoing,
5 refunding bonds may include amounts necessary to finance any premium, unpaid interest, and
6 costs of issuance in connection with the refunding bonds. Any such refunding may be effected
7 whether the bonds to be refunded then shall have matured or thereafter shall mature, either by

8 sale of the refunding bonds and the application of the proceeds thereof to the payment of the
9 obligations being refunded or the exchange of the refunding bonds for the obligations being
10 refunded with the consent of the holders of the obligations being refunded.

11 2. Notes, bonds, or other indebtedness of the district shall be exclusively the
12 responsibility of the district payable solely out of the district funds and property and shall not
13 constitute a debt or liability of the state of Missouri or any agency or political subdivision of the
14 state. Any notes, bonds, or other indebtedness of the district shall state on their face that they
15 are not obligations of the state of Missouri or any agency or political subdivision thereof other
16 than the district.

17 3. Any district may by resolution impose a district sales tax of up to one-half of one
18 percent on all retail sales made in such district that are subject to taxation ~~[pursuant to the~~
19 ~~provisions of sections 144.010 to 144.525]~~ **under chapter 144.** Upon voter approval, and
20 receiving the necessary certifications from the governing body of the municipality in which the
21 district is located, or from the circuit court if the district was formed by the circuit court, the
22 board of directors shall have the power to impose a sales tax at its first meeting, or any meeting
23 thereafter. Voter approval of the question of the imposing sales tax shall be in accordance with
24 section 67.2520. ~~[The sales tax shall become effective in those subdistricts that approve the~~
25 ~~sales tax on the first day of the first calendar quarter immediately following the passage of a~~
26 ~~resolution by the board of directors imposing the sales tax.~~

27 ~~4. In each district in which a sales tax has been imposed in the manner provided by this~~
28 ~~section, every retailer shall add the tax imposed by the district pursuant to this section to the~~
29 ~~retailer's sale price, and when so added, such tax shall constitute a part of the price, shall be a~~
30 ~~debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same~~
31 ~~manner as the purchase price.~~

32 ~~5. In order to permit sellers required to collect and report the sales tax authorized by this~~
33 ~~section to collect the amount required to be reported and remitted, but not to change the~~
34 ~~requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid~~
35 ~~fractions of pennies, the district may establish appropriate brackets which shall be used in the~~
36 ~~district imposing a tax pursuant to this section in lieu of those brackets provided in section~~
37 ~~144.285.~~

38 ~~6.]~~ **4.** All revenue received by a district from the sales tax authorized by this section
39 shall be deposited in a special trust fund and shall be used solely for the purposes of the district.
40 Any funds in such special trust fund which are not needed for the district's current expenditures
41 may be invested by the district board of directors in accordance with applicable laws relating
42 to the investment of other district funds.

43 ~~[7.]~~ **5.** The sales tax may be imposed at a rate of up to one-half of one percent on the
44 receipts from the sale at retail of all ~~[tangible personal property or taxable services]~~ **sales** at
45 retail within the district adopting such tax, if such property and services are subject to taxation
46 by ~~[the state of Missouri]~~ **this state under chapter 144** ~~[pursuant to the provisions of sections~~
47 ~~144.010 to 144.525]~~. Any district sales tax imposed ~~[pursuant to]~~ **under** this section shall be
48 imposed at a rate that shall be uniform throughout the subdistricts approving the sales tax.

49 ~~[8. The resolution imposing the sales tax pursuant to this section shall impose upon all~~
50 ~~sellers a tax for the privilege of engaging in the business of selling tangible personal property~~
51 ~~or rendering taxable services at retail to the extent and in the manner provided in sections~~
52 ~~144.010 to 144.525 and the rules and regulations of the director of revenue issued pursuant~~
53 ~~thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax~~
54 ~~and the tax shall be reported and returned to and collected by the district.~~

55 ~~9. (1) On and after the effective date of any sales tax imposed pursuant to this section,~~
56 ~~the district shall perform all functions incident to the administration, collection, enforcement,~~
57 ~~and operation of the tax. The sales tax imposed pursuant to this section shall be collected and~~
58 ~~reported upon such forms and under such administrative rules and regulations as may be~~
59 ~~prescribed by the district.~~

60 ~~(2)]~~ **6.** **After the effective date of any tax imposed under the provisions of this**
61 **section, the director of revenue shall perform all functions incident to the administration,**
62 **collection, enforcement, and operation of the tax and collect, in addition to the sales tax**
63 **for this state, the additional tax authorized under the authority of this section. The tax**
64 **imposed under this section and the tax imposed under the sales tax law of this state shall**
65 **be collected together and reported upon such forms and under such administrative rules**
66 **and regulations as may be prescribed by the director of revenue.**

67 **7.** All ~~[such]~~ sales taxes ~~[collected by the district]~~ shall be deposited by the district in
68 a special fund to be expended for the purposes authorized in this section. The district shall keep
69 accurate records of the amount of money which was collected ~~[pursuant to]~~ **under** this section,
70 and the records shall be open to the inspection of officers of each district and the general public.

71 ~~[(3) The district may contract with the municipality that the district is within for the~~
72 ~~municipality to collect any revenue received by the district and, after deducting the cost of such~~
73 ~~collection, but not to exceed one percent of the total amount collected, deposit such revenue in~~
74 ~~a special trust account. Such revenue and interest may be applied by the municipality to~~
75 ~~expenses, costs, or debt service of the district at the direction of the district as set forth in a~~
76 ~~contract between the municipality and the district.~~

77 ~~10. (1) All applicable provisions contained in sections 144.010 to 144.525 governing~~
78 ~~the state sales tax, sections 32.085 and 32.087, and section 32.057, the uniform confidentiality~~

79 provision, shall apply to the collection of the tax imposed by this section, except as modified
80 in this section.

81 ~~——(2) All exemptions granted to agencies of government, organizations, persons, and to
82 the sale of certain articles and items of tangible personal property and taxable services pursuant
83 to the provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition
84 and collection of the tax imposed by this section.~~

85 ~~——(3) The same sales tax permit, exemption certificate, and retail certificate required by
86 sections 144.010 to 144.525 for the administration and collection of the state sales tax shall
87 satisfy the requirements of this section, and no additional permit or exemption certificate or
88 retail certificate shall be required; except that the district may prescribe a form of exemption
89 certificate for an exemption from the tax imposed by this section.~~

90 ~~——(4) All discounts allowed the retailer pursuant to the provisions of the state sales tax
91 laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and
92 made applicable to any taxes collected pursuant to the provisions of this section.~~

93 ~~——(5) The penalties provided in section 32.057 and sections 144.010 to 144.525 for
94 violation of those sections are hereby made applicable to violations of this section.~~

95 ~~——(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all
96 retail sales shall be deemed to be consummated at the place of business of the retailer unless the
97 tangible personal property sold is delivered by the retailer or the retailer's agent to an
98 out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the
99 event a retailer has more than one place of business in this state which participates in the sale,
100 the sale shall be deemed to be consummated at the place of business of the retailer where the
101 initial order for the tangible personal property is taken, even though the order must be forwarded
102 elsewhere for acceptance, approval of credit, shipment, or billing. A sale by a retailer's
103 employee shall be deemed to be consummated at the place of business from which the employee
104 works.~~

105 ~~——(7)]~~ **8.** Subsequent to the initial approval by the voters and implementation of a sales
106 tax in the district, the rate of the sales tax may be increased, but not to exceed a rate of one-half
107 of one percent on retail sales **made in the district which are subject to sales tax under**
108 **chapter 144** as provided in this subsection. The election shall be conducted in accordance with
109 section 67.2520; provided, however, that the district board of directors may place the question
110 of the increase of the sales tax before the voters of the district by resolution, and the municipal
111 clerk of the city, town, or village which originally conducted the incorporation of the district,
112 or the circuit clerk of the court which originally conducted the incorporation of the district, shall
113 conduct the subsequent election. In subsequent elections, the election judges shall certify the

114 election results to the district board of directors. The ballot of submission shall be in
115 substantially the following form:

116 Shall _____ (name of district) increase the _____ (insert
117 ~~[amount]~~ **rate of percent**) percent district sales tax now in effect to _____ (insert amount)
118 in the _____ (name of district)?

119 YES NO

120

121 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
122 to the question, place an "X" in the box opposite "NO".

123

124 If a majority of the votes cast on the proposal by the qualified voters of the district voting
125 thereon are in favor of the increase, the increase shall become effective ~~[December thirty-first~~
126 ~~of the calendar year in which such increase was approved]~~ **as provided by subsection 19 of**
127 **section 32.087.**

128 ~~[11.]~~ **9.** (1) There shall not be any election as provided for in this section while the
129 district has any financing or other obligations outstanding.

130 (2) The board, when presented with a petition signed by at least one-third of the
131 registered voters in a district that voted in the last gubernatorial election, or signed by at least
132 two-thirds of property owners of the district, calling for an election to dissolve and repeal the
133 tax shall submit the question to the voters using the same procedure by which the imposing tax
134 was voted. The ballot of submission shall be in substantially the following form:

135 Shall _____ (name of district) dissolve and repeal the _____
136 (insert ~~[amount]~~ **rate of percent**) percent district sales tax now in effect in the
137 _____ (name of district)?

138 YES NO

139

140 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
141 to the question, place an "X" in the box opposite "NO".

142

143 Such subsequent elections for the repeal of the sales tax shall be conducted in accordance with
144 section 67.2520; provided, however, that the district board of directors may place the question
145 of the repeal of the sales tax before the voters of the district, and the municipal clerk of the city,
146 town, or village which originally conducted the incorporation of the district, or the circuit clerk
147 of the court which originally conducted the incorporation of the district, shall conduct the
148 subsequent election. In subsequent elections the election judges shall certify the election results
149 to the district board of directors.

150 (3) If a majority of the votes cast on the proposal by the qualified voters of the district
 151 voting thereon are in favor of repeal, that repeal shall become effective [~~December thirty-first~~
 152 ~~of the calendar year in which such repeal was approved or after the repayment of the district's~~
 153 ~~indebtedness, whichever occurs later]~~ **as provided by subsection 19 of section 32.087. If the**
 154 **district abolishes the tax, the district shall notify the director of revenue of the action prior**
 155 **to the effective date of the repeal, and the repeal shall be effective as provided by**
 156 **subsection 19 of section 32.087.**

157 [~~12-~~] 10. (1) At such time as the board of directors of the district determines that
 158 further operation of the district is not in the best interests of the inhabitants of the district, and
 159 that the district should dissolve, the board shall submit for a vote in an election held throughout
 160 the district the question of whether the district should be abolished. The question shall be
 161 submitted in substantially the following form:

162 Shall the _____ theater, cultural arts, and entertainment district be
 163 abolished?

164 YES

164 NO

165
 166 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
 167 to the question, place an "X" in the box opposite "NO".

168 (2) The district board shall not propose the question to abolish the district while there
 169 are outstanding claims or causes of action pending against the district, while the district
 170 liabilities exceed its assets, while indebtedness of the district is outstanding, or while the district
 171 is insolvent, in receivership or under the jurisdiction of the bankruptcy court. Prior to
 172 submitting the question to abolish the district to a vote of the entire district, the state auditor
 173 shall audit the district to determine the financial status of the district, and whether the district
 174 may be abolished [~~pursuant to~~] **under** law. The vote on the abolition of the district shall be
 175 conducted by the municipal clerk of the city, town, or village in which the district is located.
 176 The procedure shall be the same as in section 67.2520, except that the question shall be
 177 determined by the qualified voters of the entire district. No individual subdistrict may be
 178 abolished, except at such time as the district is abolished.

179 (3) While the district still exists, it shall continue to accrue all revenues to which it is
 180 entitled at law.

181 (4) Upon receipt by the board of directors of the district of the certification by the city,
 182 town, or village in which the district is located that the majority of those voting within the entire
 183 district have voted to abolish the district, and if the state auditor has determined that the
 184 district's financial condition is such that it may be abolished [~~pursuant to~~] **under** law, then the
 185 board of directors of the district shall:

186 (a) Sell any remaining district real or personal property it wishes, and then transfer the
 187 proceeds and any other real or personal property owned by the district to the city, town, or
 188 village in which the district is located, including revenues due and owing the district, for its
 189 further use and disposition;

190 (b) Terminate the employment of any remaining district employees, and otherwise
 191 conclude its affairs;

192 (c) At a public meeting of the district, declare by a resolution of the board of directors
 193 passed by a majority vote that the district has been abolished effective that date;

194 (d) Cause copies of that resolution under seal to be filed with the secretary of state and
 195 the city, town, or village in which the district is located. Upon the completion of the final act
 196 specified in this subsection, the legal existence of the district shall cease.

197 (5) The legal existence of the district shall not cease for a period of two years after voter
 198 approval of the abolition.

199 **11. Except as provided in this section, all provisions of sections 32.085 to 32.087**
 200 **shall apply to the tax imposed under this section.**

94.578. 1. In addition to the sales tax authorized in section 94.577, the governing body
 2 of any home rule city with more than one hundred fifty-one thousand five hundred but less than
 3 one hundred fifty-one thousand six hundred inhabitants is hereby authorized to impose, by order
 4 or ordinance, a sales tax on all retail sales made within the city which are subject to sales tax
 5 under chapter 144. The tax authorized in this section may be imposed at a rate of one-eighth,
 6 one-fourth, three-eighths, or one-half of one percent, but shall not exceed one-half of one
 7 percent, shall not be imposed for longer than three years, and shall be imposed solely for the
 8 purpose of funding the construction, operation, and maintenance of capital improvements in the
 9 city's center city. The governing body may issue bonds for the funding of such capital
 10 improvements, which will be retired by the revenues received from the sales tax authorized by
 11 this section. The order or ordinance shall not become effective unless the governing body of
 12 the city submits to the voters residing within the city at a state or municipal general, primary,
 13 or special election a proposal to authorize the governing body of the city to impose a tax under
 14 this section. The tax authorized in this section shall be in addition to all other sales taxes
 15 imposed by law, and shall be stated separately from all other charges and taxes.

16 2. The ballot submission for the tax authorized in this section shall be in substantially
 17 the following form:

18 Shall _____ (insert the name of the city) impose a sales tax at a rate
 19 of _____ (insert rate of percent) percent for [a] capital [~~improvements~~] **improvement**
 20 purposes in the city's center city for a period of _____ (insert number of years, not to
 21 exceed three) years?

22

YES

NO

23

24 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
 25 of the question, then the tax shall become effective ~~[on the first day of the second calendar~~
 26 ~~quarter after the director of revenue receives notice of the adoption of the sales tax]~~ **as provided**
 27 **by subsection 19 of section 32.087.** If a majority of the votes cast on the question by the
 28 qualified voters voting thereon are opposed to the question, then the tax shall not become
 29 effective unless and until the question is resubmitted under this section to the qualified voters
 30 and such question is approved by a majority of the qualified voters voting on the question. In
 31 no case shall a tax be resubmitted to the qualified voters of the city sooner than twelve months
 32 from the date of the proposal under this section.

33 3. Any sales tax imposed under this section shall be administered, collected, enforced,
 34 and operated as required ~~[in]~~ **by [section] sections 32.085 to 32.087.** All revenue generated by
 35 the tax shall be deposited in a special trust fund and shall be used solely for the designated
 36 purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to
 37 be used solely for the designated purposes. Any funds in the special trust fund which are not
 38 needed for current expenditures shall be invested in the same manner as other funds are
 39 invested. Any interest and moneys earned on such investments shall be credited to the fund.

40 4. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the
 41 amounts in the trust fund and credited to any city for erroneous payments and overpayments
 42 made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If
 43 any city abolishes the tax, the city shall notify the director of revenue of the action ~~[at least~~
 44 ~~ninety days before]~~ **prior to** the effective date of the repeal, and **the repeal shall be effective**
 45 **as provided by subsection 19 of section 32.087.** The director of revenue may order retention
 46 in the trust fund, for a period of one year, of two percent of the amount collected after receipt
 47 of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored
 48 checks and drafts deposited to the credit of such accounts. After one year has elapsed after the
 49 effective date of abolition of the tax in such city, the director of revenue shall remit the balance
 50 in the account to the city and close the account of that city. The director of revenue shall notify
 51 each city of each instance of any amount refunded.

52 5. The governing body of any city that has adopted the sales tax authorized in this
 53 section may submit the question of repeal of the tax to the voters on any date available for
 54 elections for the city. The ballot of submission shall be in substantially the following form:

55 Shall _____ (insert the name of the city) repeal the sales tax imposed
 56 at a rate of _____ (insert rate of percent) percent for capital improvements purposes in
 57 the city's center city?

58

YES

NO

59

60 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become
 61 effective ~~[on December thirty-first of the calendar year in which such repeal was approved]~~ **as**
 62 **provided by subsection 19 of section 32.087.** If a majority of the votes cast on the question
 63 by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized
 64 in this section shall remain effective until the question is resubmitted under this section to the
 65 qualified voters, and the repeal is approved by a majority of the qualified voters voting on the
 66 question. **If the city or county abolishes the tax, the city or county shall notify the director**
 67 **of revenue of the action prior to the effective date of the repeal, and the repeal shall be**
 68 **effective as provided by subsection 19 of section 32.087.**

69 6. Whenever the governing body of any city that has adopted the sales tax authorized
 70 in this section receives a petition, signed by ten percent of the registered voters of the city voting
 71 in the last gubernatorial election, calling for an election to repeal the sales tax imposed under
 72 this section, the governing body shall submit to the voters of the city a proposal to repeal the
 73 tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in
 74 favor of the repeal, that repeal shall become effective ~~[upon December thirty-first of the~~
 75 ~~calendar year in which such repeal was approved]~~ **as provided by subsection 19 of section**
 76 **32.087.** If a majority of the votes cast on the question by the qualified voters voting thereon are
 77 opposed to the repeal, then the tax shall remain effective until the question is resubmitted under
 78 this section to the qualified voters and the repeal is approved by a majority of the qualified
 79 voters voting on the question.

80 **7. Except as provided in this section, all provisions of sections 32.085 to 32.087**
 81 **apply to the sales tax imposed under this section.**

94.605. 1. Any city as defined in section 94.600 may by a majority vote of its
 2 governing body impose a sales tax for transportation purposes enumerated in sections 94.600
 3 to 94.655.

4 2. The sales tax may be imposed at a rate not to exceed one-half of one percent on ~~[the~~
 5 ~~receipts from the sale at]~~ **all retail** ~~[of all tangible personal property or taxable services at retail]~~
 6 **sales** within any city adopting such tax, if such property and services are subject to taxation by
 7 ~~[the state of Missouri]~~ **this state** under ~~[the provisions of sections 144.010 to 144.525]~~ **chapter**
 8 **144.**

9 3. With respect to any tax increment financing plan originally approved by ordinance
 10 of the city council after March 31, 2009, in any home rule city with more than four hundred
 11 thousand inhabitants and located in more than one county, any three-eighths of one cent sales
 12 tax imposed under sections 94.600 to 94.655 shall not be considered economic activity taxes

13 as such term is defined under sections 99.805 and 99.918, and tax revenues derived from such
 14 taxes shall not be subject to allocation under the provisions of subsection 3 of section 99.845
 15 or subsection 4 of section 99.957. Any one-eighth of one cent sales tax imposed in such city
 16 under sections 94.600 to 94.655 for constructing and operating a light-rail transit system shall
 17 not be considered economic activity taxes as such term is defined under sections 99.805 and
 18 99.918, and tax revenues derived from such tax shall not be subject to allocation under the
 19 provisions of subsection 3 of section 99.845 or subsection 4 of section 99.957.

20 4. ~~[If the boundaries of a city in which such sales tax has been imposed shall thereafter~~
 21 ~~be changed or altered, the city or county clerk shall forward to the director of revenue by United~~
 22 ~~States registered mail or certified mail a certified copy of the ordinance adding or detaching~~
 23 ~~territory from the city. The ordinance shall reflect the effective date thereof, and shall be~~
 24 ~~accompanied by a map of the city clearly showing the territory added thereto or detached~~
 25 ~~therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 94.600 to~~
 26 ~~94.655 shall be effective in the added territory or abolished in the detached territory on the~~
 27 ~~effective date of the change of the city boundary.]~~ **Except as modified by this section, all**
 28 **provisions of sections 32.085 to 32.087 shall apply to the tax imposed under this section.**

94.660. 1. The governing body of any city not within a county and any county of the
 2 first classification having a charter form of government with a population of over nine hundred
 3 thousand inhabitants may propose, by ordinance or order, a transportation sales tax of up to one
 4 percent for submission to the voters of that city or county at an authorized election date selected
 5 by the governing body.

6 2. Any sales tax approved under this section shall be imposed on ~~[the receipts from the~~
 7 ~~sale at]~~ **all** retail ~~[of all tangible personal property or taxable services]~~ **sales** within the city or
 8 county adopting the tax, if such property and services are subject to taxation by ~~[the state of~~
 9 ~~Missouri]~~ **this state** under ~~[sections 144.010 to 144.525]~~ **chapter 144.**

10 3. The ballot of submission shall contain, but need not be limited to, the following
 11 language:

12 Shall the county/city of _____ (county's or city's name) impose a
 13 county/city-wide sales tax of _____ **(insert rate of percent)** percent for the purpose of
 14 providing a source of funds for public transportation purposes?

15 YES NO

16
 17 Except as provided in subsection 4 of this section, if a majority of the votes cast in that county
 18 or city not within a county on the proposal by the qualified voters voting thereon are in favor
 19 of the proposal, then the tax shall go into effect ~~[on the first day of the next calendar quarter~~
 20 ~~beginning after its adoption and notice to the director of revenue, but no sooner than thirty days~~

21 ~~after such adoption and notice]~~ **as provided by subsection 19 of section 32.087.** If a majority
22 of the votes cast in that county or city not within a county by the qualified voters voting are
23 opposed to the proposal, then the additional sales tax shall not be imposed in that county or city
24 not within a county unless and until the governing body of that county or city not within a
25 county shall have submitted another proposal to authorize the local option transportation sales
26 tax authorized in this section, and such proposal is approved by a majority of the qualified
27 voters voting on it. In no event shall a proposal ~~[pursuant to]~~ **under** this section be submitted
28 to the voters sooner than twelve months from the date of the last proposal.

29 4. No tax shall go into effect under this section in any city not within a county or any
30 county of the first classification having a charter form of government with a population over
31 nine hundred thousand inhabitants unless and until both such city and such county approve the
32 tax.

33 5. The provisions of subsection 4 of this section requiring both the city and county to
34 approve a transportation sales tax before a transportation sales tax may go into effect in either
35 jurisdiction shall not apply to any transportation sales tax submitted to and approved by the
36 voters in such city or such county on or after August 28, 2007.

37 6. All sales taxes collected by the director of revenue under this section on behalf of any
38 city or county~~], less one percent for cost of collection which shall be deposited in the state's~~
39 ~~general revenue fund after payment of premiums for surety bonds,]~~ shall be deposited with the
40 state treasurer in a special trust fund, which is hereby created, to be known as the "County
41 Public Transit Sales Tax Trust Fund". ~~[The sales taxes shall be collected as provided in section~~
42 ~~32.087.]~~ The moneys in the trust fund shall not be deemed to be state funds and shall not be
43 commingled with any funds of the state. The director of revenue shall keep accurate records
44 of the amount of money in the trust fund which was collected in each city or county approving
45 a sales tax under this section, and the records shall be open to inspection by officers of the city
46 or county and the public. Not later than the tenth day of each month the director of revenue
47 shall distribute all moneys deposited in the trust fund during the preceding month to the city or
48 county which levied the tax, and such funds shall be deposited with the treasurer of each such
49 city or county and all expenditures of funds arising from the county public transit sales tax trust
50 fund shall be by an appropriation act to be enacted by the governing body of each such county
51 or city not within a county.

52 7. The revenues derived from any transportation sales tax under this section shall be
53 used only for the planning, development, acquisition, construction, maintenance and operation
54 of public transit facilities and systems other than highways.

55 8. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the
56 amount in the trust fund and credited to any city or county for erroneous payments and

57 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of
 58 such cities or counties. If any city or county abolishes the tax, the city or county shall notify the
 59 director of revenue of the action [~~at least ninety days~~] prior to the effective date of the repeal,
 60 and **the repeal shall be effective as provided by subsection 19 of section 32.087**. The
 61 director of revenue may order retention in the trust fund, for a period of one year, of two percent
 62 of the amount collected after receipt of such notice to cover possible refunds or overpayment
 63 of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts.
 64 After one year has elapsed after the effective date of abolition of the tax in such city or county,
 65 the director of revenue shall [~~authorize the state treasurer to~~] remit the balance in the account
 66 to the city or county and close the account of that city or county. The director of revenue shall
 67 notify each city or county of each instance of any amount refunded or any check redeemed from
 68 receipts due the city or county.

69 **9. Except as modified by this section, all provisions of sections 32.085 to 32.087**
 70 **shall apply to the tax imposed under this section.**

94.705. 1. Any city may by a majority vote of its governing body impose a sales tax on
 2 **all retail sales made in the city which are subject to sales tax under chapter 144** for
 3 transportation purposes enumerated in sections 94.700 to 94.755, and issue bonds for
 4 transportation purposes which shall be retired by the revenues received from the sales tax
 5 authorized by this section. The tax authorized by this section shall be in addition to any and all
 6 other sales taxes allowed by law. No ordinance imposing a sales tax [~~pursuant to the provisions~~
 7 ~~of~~] **under** this section shall become effective unless the council or other governing body
 8 submits to the voters of the city, at a city or state general, primary, or special election, a proposal
 9 to authorize the council or other governing body of the city to impose such a sales tax and, if
 10 such tax is to be used to retire bonds authorized [~~pursuant to~~] **under** this section, to authorize
 11 such bonds and their retirement by such tax; except that no vote shall be required in any city that
 12 imposed and collected such tax under sections 94.600 to 94.655, before January 5, 1984. The
 13 ballot of the submission shall contain, but is not limited to, the following language:

14 (1) If the proposal submitted involves only authorization to impose the tax authorized
 15 by this section, the following language:

16 Shall the city of _____ (city's name) impose a sales tax of
 17 _____ (insert [~~amount~~] **rate of percent**) for transportation purposes?

18 YES NO

19

20 If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed
 21 to the question, place an "X" in the box opposite "No";

22 (2) If the proposal submitted involves authorization to issue bonds and repay such
 23 bonds with revenues from the tax authorized by this section, the following language:

24 Shall the city of _____ (city's name) issue bonds in the amount of
 25 _____ (insert amount) for transportation purposes and impose a sales tax of _____
 26 (insert ~~amount~~ **rate of percent**) to repay such bonds?

27 YES NO

28

29 If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed
 30 to the question, place an "X" in the box opposite "No".

31

32 If a majority of the votes cast on the proposal, provided in subdivision (1) of this subsection,
 33 by the qualified voters voting thereon are in favor of the proposal, then the ordinance and any
 34 amendments thereto shall be in effect **as provided by subsection 19 of section 32.087**. If the
 35 four-sevenths majority of the votes, as required by the Missouri Constitution, article VI, section
 36 26, cast on the proposal, provided in subdivision (2) of this subsection to issue bonds and
 37 impose a sales tax to retire such bonds, by the qualified voters voting thereon are in favor of the
 38 proposal, then the ordinance and any amendments thereto shall be in effect **as provided by**
 39 **subsection 19 of section 32.087**. If a majority of the votes cast on the proposal, as provided
 40 in subdivision (1) of this subsection, by the qualified voters voting thereon are opposed to the
 41 proposal, then the council or other governing body of the city shall have no power to impose
 42 the tax authorized in subdivision (1) of this subsection unless and until the council or other
 43 governing body of the city submits another proposal to authorize the council or other governing
 44 body of the city to impose the tax and such proposal is approved by a majority of the qualified
 45 voters voting thereon. If more than three-sevenths of the votes cast by the qualified voters
 46 voting thereon are opposed to the proposal, as provided in subdivision (2) of this subsection to
 47 issue bonds and impose a sales tax to retire such bonds, then the council or other governing
 48 body of the city shall have no power to issue any bonds or to impose the tax authorized in
 49 subdivision (2) of this subsection unless and until the council or other governing body of the
 50 city submits another proposal to authorize the council or other governing body of the city to
 51 issue such bonds or impose the tax to retire such bonds and such proposal is approved by
 52 four-sevenths of the qualified voters voting thereon.

53 2. No incorporated municipality located wholly or partially within any first class county
 54 operating under a charter form of government and having a population of over nine hundred
 55 thousand inhabitants shall impose such a sales tax for that part of the city, town or village that
 56 is located within such first class county, in the event such a first class county imposes a sales
 57 tax under the provisions of sections 94.600 to 94.655.

58 3. The sales tax may be imposed at a rate not to exceed one-half of one percent on the
59 receipts from the sale at retail of all tangible personal property or taxable services at retail
60 within any city adopting such tax, if such property and services are subject to taxation by the
61 state of Missouri under the provisions of ~~[sections 144.010 to 144.525]~~ **chapter 144.**

62 4. ~~[If the boundaries of a city in which such sales tax has been imposed shall thereafter
63 be changed or altered, the city clerk shall forward to the director of revenue by United States
64 registered mail or certified mail a certified copy of the ordinance adding or detaching territory
65 from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied
66 by a map of the city clearly showing the territory added thereto or detached therefrom. Upon
67 receipt of the ordinance and map, the tax imposed by sections 94.700 to 94.755 shall be
68 effective in the added territory or abolished in the detached territory on the effective date of the
69 change of the city boundary.~~

70 ~~———5.]~~ No tax imposed ~~[pursuant to]~~ **under** this section for the purpose of retiring bonds
71 issued ~~[pursuant to]~~ **under** this section may be terminated until all of such bonds have been
72 retired.

73 **5. Except as modified in this section, all provisions of sections 32.085 to 32.087**
74 **shall apply to the tax imposed under this section.**

 144.010. ~~[+]~~ The following words, terms, and phrases when used in ~~[sections 144.010
2 to 144.525]~~ **this chapter shall** have the meanings ascribed to them in this section, except when
3 the context indicates a different meaning:

4 (1) "Admission" includes seats and tables, reserved or otherwise, and other similar
5 accommodations and charges made therefor and amount paid for admission, exclusive of any
6 admission tax imposed by the federal government or ~~[by sections 144.010 to 144.525]~~ **under**
7 **chapter 144;**

8 (2) "**Advertising and promotional direct mail**", **printed material that meets the**
9 **definition of direct mail, the primary purpose of which is to attract public attention to a**
10 **product, person, business, or organization or to attempt to sell, popularize, or secure**
11 **financial support for a product, person, business, or organization. As used in this**
12 **subdivision, the word "product" means tangible personal property, a product transferred**
13 **electronically, or a service;**

14 (3) "**Agreement**", the streamlined sales and use tax agreement, as amended from
15 **time to time;**

16 (4) "**Air-to-ground radiotelephone service**", a radio service, as that term is defined
17 **in 47 CFR 22.99, in which common carriers are authorized to offer and provide radio**
18 **telecommunications service for hire to subscribers in aircraft;**

19 **(5) "Alcoholic beverages", beverages that are suitable for human consumption and**
20 **contain one-half of one percent or more of alcohol by volume;**

21 **(6) "Ancillary services", services that are associated with or incidental to the**
22 **provisions of telecommunications services including, but not limited to, detailed**
23 **telecommunications billing, directory assistance, vertical service, and voice mail services.**
24 **"Ancillary services" shall not include specified digital products, digital audio-visual**
25 **works, digital audio works, or digital books;**

26 **(7) "Appliance", clothes washers and dryers, water heaters, trash compactors,**
27 **dishwashers, conventional ovens, ranges, stoves, air conditioners, furnaces, refrigerators,**
28 **and freezers;**

29 **(8) "Bottled water", water that is placed in a safety-sealed container or package**
30 **for human consumption. Bottled water is calorie free and does not contain sweeteners or**
31 **other additives except that it may contain:**

32 **(a) Antimicrobial agents;**

33 **(b) Carbonation;**

34 **(c) Fluoride;**

35 **(d) Oxygen;**

36 **(e) Preservatives;**

37 **(f) Vitamins, minerals, and electrolytes; or**

38 **(g) Only those flavors, extracts, or essences derived from a spice or fruit.**

39

40 **"Bottled water" includes water that is delivered to the buyer in a reusable container that**
41 **is not sold with the water;**

42 **(9) "Bundled transaction":**

43 **(a) The retail sale of two or more products, except real property and services to**
44 **real property, where the products are otherwise distinct and identifiable, and the products**
45 **are sold for one nonitemized price. A bundled transaction shall not include the sale of any**
46 **products in which the sales price varies or is negotiable based on the selection by the**
47 **purchaser of the products included in the transaction;**

48 **(b) As used in this subdivision, the term "distinct and identifiable products" shall**
49 **not include:**

50 **a. Packaging, such as containers, boxes, sacks, bags, and bottles, or other**
51 **materials, such as wrapping, labels, tags, and instruction guides, that accompany the retail**
52 **sale of the products and are incidental or immaterial to the retail sale thereof;**

53 **b. A product provided free of charge with the required purchase of another**
54 **product. A product is provided free of charge if the sales price of the product purchased**
55 **does not vary depending on the inclusion of the product provided free of charge; or**

56 **c. Items included in the definition of the term "sales price";**

57 **(c) As used in this subdivision, the term "one nonitemized price" shall not include**
58 **a price that is separately identified by product on binding sales or other supporting**
59 **sales-related documentation made available to the customer in paper or electronic form**
60 **including, but not limited to, an invoice, bill of sale, receipt, contract, service agreement,**
61 **lease agreement, periodic notice of rates and services, rate card, or price list; and**

62 **(d) A transaction that otherwise meets the definition of a bundled transaction as**
63 **defined in this subdivision shall not constitute a bundled transaction if it is:**

64 **a. A retail sale of tangible personal property and a service, if the tangible personal**
65 **property is essential to the use of the service and is provided exclusively in connection with**
66 **the service, and the true object of the transaction is the service;**

67 **b. A retail sale of services if one service is provided that is essential to the use of**
68 **receipt of a second service, the first service is provided exclusively in connection with the**
69 **second service, and the true object of the transaction is the second service;**

70 **c. A transaction that includes taxable products and nontaxable products and the**
71 **sales price of the taxable products is de minimis. "De minimis" means the sales price of**
72 **the taxable product is ten percent or less of the total sales price of the bundled products.**
73 **Sellers shall use the sales price of the products to determine if the taxable products are de**
74 **minimis. Sellers shall use the full term of a service contract to determine if the taxable**
75 **products are de minimis; or**

76 **d. A retail sale of exempt tangible personal property and taxable tangible personal**
77 **property if:**

78 **(i) The transaction included food and food ingredients, drugs, durable medical**
79 **equipment, mobility-enhancing equipment, over-the-counter drugs, prosthetic devices, or**
80 **medical supplies; and**

81 **(ii) The seller's purchase price or sales price of the taxable tangible personal**
82 **property is fifty percent or less of the total sales price of the bundled tangible personal**
83 **property. Sellers shall not use a combination of the purchase price and sales price of the**
84 **tangible personal property if making the fifty percent determination for a transaction;**

85 **(10) "Business" includes any activity engaged in by any person, or caused to be engaged**
86 **in by him, with the object of gain, benefit or advantage, either direct or indirect, and the**
87 **classification of which business is of such character as to be subject to the terms of [sections**
88 **144.010 to 144.525] chapter 144. [A person is "engaging in business" in this state for purposes**

89 of sections 144.010 to 144.525 if such person "engages in business activities within this state"
90 or "maintains a place of business in this state" under section 144.605.] The isolated or
91 occasional sale of tangible personal property, service, substance, or thing, by a person not
92 engaged in such business, does not constitute engaging in business within the meaning of
93 ~~[sections 144.010 to 144.525]~~ **chapter 144** unless the total amount of the gross receipts from
94 such sales, exclusive of receipts from the sale of tangible personal property by persons which
95 property is sold in the course of the partial or complete liquidation of a household, farm or
96 nonbusiness enterprise, exceeds three thousand dollars in any calendar year. The provisions of
97 this subdivision shall not be construed to make any sale of property which is exempt from sales
98 tax or use tax on June 1, 1977, subject to that tax thereafter;

99 ~~[(3)]~~ **(11) "Calendar quarter", the period of three consecutive calendar months**
100 **ending on March thirty-first, June thirtieth, September thirtieth, or December thirty-first;**

101 **(12) "Call-by-call basis", any method of charging for telecommunications services**
102 **in which the price is measured by individual calls;**

103 **(13) "Candy", a preparation of sugar, honey, or other natural or artificial**
104 **sweeteners in combination with chocolate, fruits, nuts, or other ingredients or flavorings**
105 **in the form of bars, drops, or pieces. "Candy" shall not include any preparation**
106 **containing flour and shall not require refrigeration;**

107 **(14) "Captive wildlife", includes but is not limited to exotic partridges, gray partridge,**
108 **northern bobwhite quail, ring-necked pheasant, captive waterfowl, captive white-tailed deer,**
109 **captive elk, and captive furbearers held under permit issued by the Missouri department of**
110 **conservation for hunting purposes. The provisions of this subdivision shall not apply to sales**
111 **tax on a harvested animal;**

112 **(15) "Certified automated system" or "CAS", software certified under the**
113 **streamlined sales and use tax agreement to calculate the tax imposed by each jurisdiction**
114 **on a transaction, to determine the amount of tax to remit to the appropriate state, and to**
115 **maintain a record of the transaction;**

116 **(16) "Certified service provider" or "CSP", an agent certified under the**
117 **streamlined sales and use tax agreement to perform all the seller's sales and use tax**
118 **functions, other than the seller's obligation to remit tax on its own purchases;**

119 **(17) "Clothing":**

120 **(a) All human wearing apparel suitable for general use;**

121 **(b) "Clothing" shall include, but is not limited to:**

122 **a. Aprons, household and shop;**

123 **b. Athletic supporters;**

124 **c. Baby receiving blankets;**

- 125 **d. Bathing suits and caps;**
- 126 **e. Beach capes and coats;**
- 127 **f. Belts and suspenders;**
- 128 **g. Boots;**
- 129 **h. Coats and jackets;**
- 130 **i. Costumes;**
- 131 **j. Diapers, children and adult, including disposable diapers;**
- 132 **k. Ear muffs;**
- 133 **l. Footlets;**
- 134 **m. Formal wear;**
- 135 **n. Garters and garter belts;**
- 136 **o. Girdles;**
- 137 **p. Gloves and mittens for general use;**
- 138 **q. Hats and caps;**
- 139 **r. Hosiery;**
- 140 **s. Insoles for shoes;**
- 141 **t. Lab coats;**
- 142 **u. Neckties;**
- 143 **v. Overshoes;**
- 144 **w. Pantyhose;**
- 145 **x. Rainwear;**
- 146 **y. Rubber pants;**
- 147 **z. Sandals;**
- 148 **aa. Scarves;**
- 149 **bb. Shoes and shoe laces;**
- 150 **cc. Slippers;**
- 151 **dd. Sneakers;**
- 152 **ee. Socks and stockings;**
- 153 **ff. Steel-toed shoes;**
- 154 **gg. Underwear;**
- 155 **hh. Uniforms, athletic and nonathletic; and**
- 156 **ii. Wedding apparel; and**
- 157 **(c) "Clothing" shall not include:**
- 158 **a. Belt buckles sold separately;**
- 159 **b. Costume masks sold separately;**
- 160 **c. Patches and emblems sold separately;**

161 d. Sewing equipment and supplies including, but not limited to, knitting needles,
162 patterns, pins, scissors, sewing machines, sewing needles, tape measures, and thimbles;
163 or

164 e. Sewing materials that become part of clothing including, but not limited to,
165 buttons, fabric, lace, thread, yarn, and zippers;

166 (18) "Clothing accessories and equipment", incidental items worn on the person
167 or in conjunction with clothing. "Clothing accessories and equipment" is mutually
168 exclusive of clothing, sport or recreational equipment, and protective equipment;

169 (19) "Coin-operated telephone service", a telecommunications service paid for by
170 inserting moneys into a telephone accepting direct deposits of moneys to operate;

171 (20) "Communications channel", a physical or virtual path of communications
172 over which signals are transmitted between or among customer channel termination
173 points;

174 (21) "Computer", an electronic device that accepts information in digital or
175 similar form and manipulates it for a result based on a sequence of instructions;

176 (22) "Computer software", a set of coded instructions designed to cause a
177 computer or automatic data processing equipment to perform a task. "Computer
178 software" shall not include specified digital products, digital audio-visual works, digital
179 audio works, or digital books;

180 (23) "Conference bridging service", an ancillary service that links two or more
181 participants of an audio or video conference call and may include the provision of a
182 telephone number. "Conference bridging service" shall not include the
183 telecommunications services used to reach the conference bridge;

184 (24) "Customer", the person or entity that contracts with the seller of
185 telecommunications services. If the end user of the telecommunications service is not the
186 contracting party, the end user of the telecommunications service is the customer of the
187 telecommunications service, but this definition only applies to the purpose of sourcing
188 sales of telecommunications services under section 144.114. "Customer" shall not include
189 a reseller of telecommunications service or, for mobile telecommunications, service of a
190 serving carrier under an agreement to serve the customer outside the home service
191 provider's licensed service area;

192 (25) "Customer channel termination point", the location where the customer
193 either inputs or receives the communication;

194 (26) "Delivered electronically", delivered to the purchaser by means other than
195 tangible storage media;

196 (27) "Delivery charges", charges by the seller of personal property or services for
197 preparation and delivery to a location designated by the purchaser of personal property
198 or services including, but not limited to, transportation, shipping, postage, handling,
199 crating, and packing;

200 (28) "Detailed telecommunications billing service", an ancillary service of
201 separately stated information pertaining to individual calls on a customer's billing
202 statement;

203 (29) "Dietary supplement", any product, other than tobacco, intended to
204 supplement the diet that contains one or more of the following dietary ingredients: a
205 vitamin, a mineral, an herb or other botanical, an amino acid, a dietary substance for use
206 by humans to supplement the diet by increasing the total dietary intake, or a concentrate,
207 metabolite, constituent, extract, or combination of any ingredient described above; that
208 is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form or, if not
209 intended for ingestion in such a form, is not represented as a conventional food and is not
210 represented for use as a sole item of a meal or of the diet; and that is required to be
211 labeled as a dietary supplement, identifiable by the supplemental facts box found on the
212 label and as required under 21 CFR Section 101.36;

213 (30) "Digital audio works", works that result from the fixation of a series of
214 musical, spoken, or other sounds, including ringtones;

215 (31) "Digital audio-visual works", a series of related images that if shown in
216 succession imparts an impression of motion, together with accompanying sounds, if any;

217 (32) "Digital books", works that are generally recognized in the ordinary and
218 usual sense as books;

219 (33) "Direct mail", printed material delivered or distributed by United States mail
220 or other delivery service to a mass audience or to addressees on a mailing list provided by
221 the purchaser or at the direction of the purchaser if the cost of the items are not billed
222 directly to the recipients. Direct mail shall include tangible personal property supplied
223 directly or indirectly by the purchaser to the direct mail seller for inclusion in the package
224 containing the printed material. Direct mail shall not include multiple items of printed
225 material delivered to a single address;

226 (34) "Directory assistance", an ancillary service of providing telephone number
227 information or address information;

228 (35) "Drug", a compound, substance, or preparation, and any component of a
229 compound, substance, or preparation, other than food and food ingredients, dietary
230 supplements, alcoholic beverages, or grooming and hygiene products:

231 (a) Recognized in the official United States Pharmacopoeia, official Homeopathic
232 Pharmacopoeia of the United States, official National Formulary, or a supplement to any
233 of them;

234 (b) Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of
235 disease; or

236 (c) Intended to affect the structure or any function of the body.

237

238 "Drug" shall include insulin and medical oxygen;

239 (36) "Durable medical equipment", equipment, including repair and replacement
240 parts for the same, excluding mobility-enhancing equipment. "Durable medical
241 equipment":

242 (a) Can withstand repeated use;

243 (b) Is primarily and customarily used to serve a medical purpose;

244 (c) Is generally not useful to a person in the absence of illness or injury;

245 (d) Is not worn in or on the body;

246 (e) Is for home use;

247 (f) Is within the classification of devices eligible for MO HealthNet and Medicare
248 reimbursement; and

249 (g) Shall not include:

250 a. Kidney dialysis equipment not worn in or on the body, including repair and
251 replacement parts; and

252 b. Enteral feeding systems not worn in or on the body, including repair and
253 replacement parts.

254

255 As used in this subdivision, repair and replacement parts shall include all components or
256 attachments used in conjunction with the durable medical equipment;

257 (37) "Electronic", relating to technology having electrical, digital, magnetic,
258 wireless, optical, electromagnetic, or similar capabilities;

259 (38) "End user", the person who utilizes the telecommunication service. In case
260 of an entity, "end user" means the individual who utilizes the service on behalf of the
261 entity;

262 (39) "Energy Star qualified product", a product that meets the energy efficient
263 guidelines set by the United States Environmental Protection Agency and the United
264 States Department of Energy and that is authorized to carry the Energy Star label.
265 Covered products are those listed at www.energystar.gov or a successor address;

266 (40) "Engages in business activities within this state":

- 267 **(a) Shall include:**
- 268 **a. Maintaining or having a franchisee or licensee operating under the seller's trade**
269 **name in this state if the franchisee or licensee is required to collect sales tax under sections**
270 **144.010 to 144.527; or**
- 271 **b. Soliciting sales or taking orders by sales agents or traveling representatives;**
- 272 **(b) A vendor is presumed to engage in business activities within this state if any**
273 **person, other than a common carrier acting in its capacity as such, that has substantial**
274 **nexus with this state:**
- 275 **a. Sells a similar line of products as the vendor and does so under the same or a**
276 **similar business name;**
- 277 **b. Maintains an office, distribution facility, warehouse, storage place, or similar**
278 **place of business in the state to facilitate the delivery of property or services sold by the**
279 **vendor to the vendor's customers;**
- 280 **c. Delivers, installs, assembles, or performs maintenance services for the vendor's**
281 **customers within the state;**
- 282 **d. Facilitates the vendor's delivery of property to customers in the state by**
283 **allowing the vendor's customers to pick up property sold by the vendor at an office,**
284 **distribution facility, warehouse, storage place, or similar place of business maintained by**
285 **the person in the state; or**
- 286 **e. Conducts any other activities in the state that are significantly associated with**
287 **the vendor's ability to establish and maintain a market in the state for the sales;**
- 288 **(c) The presumption in paragraph (b) of this subdivision may be rebutted by**
289 **demonstrating that the person's activities in the state are not significantly associated with**
290 **the vendor's ability to establish or maintain a market in this state for the vendor's sales;**
- 291 **(d) Notwithstanding paragraph (b) of this subdivision, a vendor shall be presumed**
292 **to engage in business activities within this state if the vendor enters into an agreement**
293 **with one or more residents of this state under which the resident, for a commission or**
294 **other consideration, directly or indirectly refers potential customers, whether by a link**
295 **on an internet website, an in-person oral presentation, telemarketing, or otherwise, to the**
296 **vendor if the cumulative gross receipts from sales by the vendor to referred customers in**
297 **the state by all residents with this type of an agreement with the vendor is in excess of ten**
298 **thousand dollars during the preceding twelve months;**
- 299 **(e) The presumption in paragraph (d) of this subdivision may be rebutted by**
300 **submitting proof that the residents with whom the vendor has an agreement did not**
301 **engage in any activity within the state that was significantly associated with the vendor's**
302 **ability to establish or maintain the vendor's market in the state during the preceding**

303 twelve months. Such proof may consist of sworn written statements from all of the
304 residents with whom the vendor has an agreement stating that they did not engage in any
305 solicitation in the state on behalf of the vendor during the preceding year, provided that
306 such statements were provided and obtained in good faith;

307 (41) "Food and food ingredients", substances, whether in liquid, concentrated,
308 solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans
309 and are consumed for their taste or nutritional value. "Food and food ingredients" shall
310 not include alcoholic beverages, tobacco, or dietary supplements;

311 (42) "Food sold through vending machines", food, food ingredients, prepared
312 food, bottled water, candy, soft drinks and other beverages, dispensed from a machine or
313 other mechanical device that accepts payment;

314 (43) "Grooming and hygiene products", soaps and cleaning solutions, shampoo,
315 toothpaste, mouthwash, antiperspirants, and suntan lotions and sunscreens, regardless
316 of whether the items meet the definition of over-the-counter-drugs;

317 ~~[(4)]~~ (44) "Gross receipts"~~];~~ or "sales price":

318 (a) Except as provided in section 144.012, ~~[means the total amount of the sale price of~~
319 ~~the sales at retail including any services other than charges incident to the extension of credit~~
320 ~~that are a part of such sales made by the businesses herein referred to, capable of being valued~~
321 ~~in money, whether received in money or otherwise; except that, the term gross receipts shall not~~
322 ~~include the sale price of property returned by customers when the full sale price thereof is~~
323 ~~refunded either in cash or by credit. In determining any tax due under sections 144.010 to~~
324 ~~144.525 on the gross receipts, charges incident to the extension of credit shall be specifically~~
325 ~~exempted. For the purposes of sections 144.010 to 144.525 the total amount of the sale price~~
326 ~~above mentioned shall be deemed to be the amount received. It shall also include the lease or~~
327 ~~rental consideration where the right to continuous possession or use of any article of tangible~~
328 ~~personal property is granted under a lease or contract and such transfer of possession would be~~
329 ~~taxable if outright sale were made and, in such cases, the same shall be taxable as if outright~~
330 ~~sale were made and considered as a sale of such article, and the tax shall be computed and paid~~
331 ~~by the lessee upon the rentals paid. The term gross receipts shall not include usual and~~
332 ~~customary delivery charges that are stated separately from the sale price;~~

333 ~~—(5)]~~ applies to the measure subject to sales tax and means the total amount of
334 consideration, including cash, credit, property, and services, for which personal property
335 or services are sold, leased, or rented and is valued in moneys, whether received in moneys
336 or otherwise, without any deduction for the following:

337 a. The seller's cost of the property sold;

- 338 **b. The cost of materials used, labor or service cost, interest, losses, all costs of**
339 **transportation to the seller, all taxes imposed on the seller, and any other expense of the**
340 **seller;**
- 341 **c. Charges by the seller for any services necessary to complete the sale, other than**
342 **delivery and installation charges;**
- 343 **d. Delivery charges; and**
- 344 **e. Credit for any trade-in;**
- 345 **(b) The term shall not include:**
- 346 **a. Discounts, including cash, term, or coupons, that are not reimbursed by a third**
347 **party and that are allowed by a seller and taken by a purchaser on a sale;**
- 348 **b. Interest, financing, and carrying charges from credit extended on the sale of**
349 **personal property or services if the amount is separately stated on the invoice, bill of sale,**
350 **or similar document given to the purchaser; and**
- 351 **c. Any taxes legally imposed directly on the consumer that are separately stated**
352 **on the invoice, bill of sale, or similar document given to the purchaser; and**
- 353 **(c) The term shall include consideration received by the seller from third parties**
354 **if:**
- 355 **a. The seller actually receives consideration from a party other than the purchaser,**
356 **and the consideration is directly related to a price reduction or discount on the sale;**
- 357 **b. The seller has an obligation to pass the price reduction or discount through to**
358 **the purchaser;**
- 359 **c. The amount of the consideration attributable to the sale is fixed and**
360 **determinable by the seller at the time of the sale of the item to the purchaser; and**
- 361 **d. One of the following criteria is met:**
- 362 **(i) The purchaser presents a coupon, certificate, or other documentation to the**
363 **seller to claim a price reduction or discount where the coupon, certificate, or**
364 **documentation is authorized, distributed, or granted by a third party with the**
365 **understanding that the third party will reimburse any seller to whom the coupon,**
366 **certificate, or documentation is presented;**
- 367 **(ii) The purchaser identifies himself or herself to the seller as a member of a group**
368 **or organization entitled to a price reduction or discount. A preferred customer card that**
369 **is available to any patron shall not constitute membership in such a group; or**
- 370 **(iii) The price reduction or discount is identified as a third-party price reduction**
371 **or discount on the invoice received by the purchaser or on a coupon, certificate, or other**
372 **documentation presented by the purchaser;**

373 **(45) "Home service provider", the same as such term is defined under the Mobile**
374 **Telecommunications Sourcing Act, Section 124(5) of Pub. L. 106-252;**

375 ~~[(5)]~~ **(46) "Instructional class", includes any class, lesson, or instruction intended or**
376 **used for teaching;**

377 **(47) "Lease or rental":**

378 **(a) Any transfer of possession or control of tangible personal property for a fixed**
379 **or indeterminate term for consideration. "Lease or rental" may include future options**
380 **to purchase or extend;**

381 **(b) "Lease or rental" shall not include:**

382 **a. A transfer of possession or control of property under a security agreement or**
383 **deferred payment plan that requires the transfer of title upon completion of the required**
384 **payments;**

385 **b. A transfer of possession or control of property under an agreement that**
386 **requires the transfer of title upon completion of required payments if the payment of an**
387 **option price does not exceed the greater of one hundred dollars or one percent of the total**
388 **required payments; or**

389 **c. Providing tangible personal property along with an operator for a fixed or**
390 **indeterminate period of time, provided that the operator is necessary for the equipment**
391 **to perform as designed and that the operator does more than maintain, inspect, or set up**
392 **the tangible personal property; and**

393 **(c) "Lease or rental" includes agreements covering motor vehicles and trailers if**
394 **the amount of consideration may be increased or decreased by reference to the amount**
395 **realized upon sale or disposition of the property as defined in 26 U.S.C. Section**
396 **7701(h)(1), as amended;**

397 **(48) "Light aircraft", a light airplane that seats no more than four persons, with**
398 **a gross weight of three thousand pounds or less, and is primarily used for recreational**
399 **flying or flight training;**

400 **(49) "Light aircraft kit", factory manufactured light aircraft parts and**
401 **components, including engine, propeller, instruments, wheels, brakes, and air frame parts**
402 **that make up a complete aircraft kit or partial kit, designed to be assembled into a light**
403 **aircraft and then operated by a qualified light aircraft purchaser for recreational and**
404 **educational purposes;**

405 **(50) "Light aircraft parts and components", manufactured light aircraft parts,**
406 **including air frame and engine parts, that are required by the qualified light aircraft**
407 **purchaser to complete a light aircraft kit, or spare or replacement parts for an already**
408 **completed light aircraft;**

409 ~~[(6)]~~ **(51) "Livestock", cattle, calves, sheep, swine, ratite birds, including but not**
410 **limited to, ostrich and emu, aquatic products as described in section 277.024, llamas, alpaca,**
411 **buffalo, bison, elk documented as obtained from a legal source and not from the wild, goats,**
412 **horses, other equine, honey bees, or rabbits raised in confinement for human consumption;**

413 ~~[(7)]~~ **(52) "Load and leave", delivery to the purchaser by use of a tangible storage**
414 **media if the tangible storage media is not physically transferred to the purchaser;**

415 **(53) "Maintains a place of business in this state" includes maintaining, occupying,**
416 **or using, permanently or temporarily, directly or indirectly, or through a subsidiary or**
417 **agent, by whatever name called, an office, place of distribution, sales or sample room or**
418 **place, warehouse or storage place, or other place of business;**

419 **(54) "Manufactured home", the same meaning as such term is defined under**
420 **section 700.010;**

421 **(55) "Mobile telecommunications service", the same as such term is defined under**
422 **the Mobile Telecommunications Sourcing Act, Section 124(7) of Pub. L. 106-252;**

423 **(56) "Mobility-enhancing equipment", equipment, including repair and**
424 **replacement parts to the same, that:**

425 **(a) Is primarily and customarily used to provide or increase the ability to move**
426 **from one place to another and that is appropriate for use either in a home or motor**
427 **vehicle;**

428 **(b) Is not generally used by persons with normal mobility; and**

429 **(c) Is within the classification of devices eligible for MO HealthNet and Medicare**
430 **reimbursement.**

431

432 **"Mobility-enhancing equipment" shall not include durable medical equipment or any**
433 **motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle**
434 **manufacturer;**

435 **(57) "Model 1 seller", a seller registered under the agreement that has selected a**
436 **certified service provider as its agent to perform all the seller's sales and use tax functions,**
437 **other than the seller's obligation to remit tax on its own purchases;**

438 **(58) "Model 2 seller", a seller that has selected a certified automated system (CAS)**
439 **to perform part of its sales and use tax functions, but retains responsibility for remitting**
440 **the tax;**

441 **(59) "Model 3 seller", a seller registered under the agreement that has sales in at**
442 **least five member states, has total annual sales revenue of at least five hundred million**
443 **dollars, has a proprietary system that calculates the amount of tax due in each**
444 **jurisdiction, and has entered into a performance agreement with the member states that**

445 **establishes a tax performance standard for the seller. As used in this subdivision, a seller**
446 **shall include an affiliated group of sellers using the same proprietary system;**

447 **(60) "Model 4 seller", a seller that is registered under the agreement and is not a**
448 **model 1 seller, a model 2 seller, or a model 3 seller;**

449 ~~[(7)]~~ **(61) "Motor vehicle leasing company" [shall be]**, a company obtaining a permit
450 from the director of revenue to operate as a motor vehicle leasing company. Not all persons
451 renting or leasing trailers or motor vehicles need to obtain such a permit; however, no person
452 failing to obtain such a permit may avail itself of the optional tax provisions of subsection 5 of
453 section 144.070, as hereinafter provided;

454 ~~[(8)]~~ **(62) "Optional computer software maintenance contract", a computer**
455 **software maintenance contract that a customer is not obligated to purchase as a condition**
456 **to the retail sale of computer software;**

457 **(63) "Other direct mail", any direct mail that is not advertising and promotional**
458 **direct mail regardless of whether advertising and promotional direct mail is included in**
459 **the same mailing. "Other direct mail" includes, but is not limited to:**

460 **(a) Transactional direct mail that contains personal information specific to the one**
461 **addressee including, but not limited to, invoices, bills, statements of account, and payroll**
462 **advice;**

463 **(b) Any legally required mailings including, but not limited to, privacy notices, tax**
464 **reports, and stockholder reports; and**

465 **(c) Other nonpromotional direct mail delivered to existing or former shareholders,**
466 **customers, employees, or agents including, but not limited to, newsletters and**
467 **informational pieces.**

468

469 **"Other direct mail" shall not include the development of billing information or the**
470 **provision of any data processing service that is more than incidental;**

471 **(64) "Over-the-counter-drug", a drug, excluding grooming and hygiene products,**
472 **that contains a label that identifies the product as a drug, as required by 21 CFR Section**
473 **201.66, and includes:**

474 **(a) A drug facts panel; or**

475 **(b) A statement of the active ingredients with a list of those ingredients contained**
476 **in the compound, substance, or preparation;**

477 **(65) "Person" includes any individual, firm, copartnership, joint adventure, association,**
478 **corporation, municipal or private, and whether organized for profit or not, state, county, political**
479 **subdivision, state department, commission, board, bureau or agency, [except the state**
480 **transportation department,] estate, trust, business trust, receiver or trustee appointed by the state**

481 or federal court, syndicate, [ø] any other group or combination acting as a unit, **or any other**
482 **legal entity**, and the plural as well as the singular number;

483 ~~(65)~~ (66) **"Place of primary use"**, the street address representative of where the
484 **customer's use of the telecommunications service primarily occurs, which shall be the**
485 **residential street address or the primary business street address of the customer. In the**
486 **case of mobile telecommunications services, "place of primary use" shall be within the**
487 **licensed service area of the home service provider;**

488 (67) **"Post-paid calling service"**, the telecommunications service obtained by
489 **making a payment on a call-by-call basis either through the use of a credit card or**
490 **payment mechanism such as a bank card, travel card, credit card, or debit card or by a**
491 **charge made to a telephone number that is not associated with the origination or**
492 **termination of the telecommunications service. A "post-paid calling service" includes a**
493 **telecommunications service, except a prepaid wireless calling service, that would be a**
494 **prepaid calling service except it is not exclusively a telecommunications service;**

495 (68) **"Prepaid calling service"**, the right to access exclusively telecommunications
496 **services that is paid for in advance; that enables the origination of calls using an access**
497 **number or authorization code, whether manually or electronically dialed; and that is sold**
498 **in predetermined units or dollars, which decline with use in a known amount;**

499 (69) **"Prepaid wireless calling service"**, a telecommunications service that provides
500 **the right to utilize mobile wireless services as well as other nontelecommunications**
501 **services, including the download of digital products delivered electronically and content**
502 **and ancillary services; that is paid for in advance; and that is sold in predetermined units**
503 **or dollars, which decrease with use in a known amount;**

504 (70) **"Prepared food"**, food sold in a heated state or heated by the seller; two or
505 **more food ingredients mixed or combined by the seller for sale as a single item; or food**
506 **sold with eating utensils provided by the seller, including plates, knives, forks, spoons,**
507 **glasses, cups, napkins, or straws. A "plate" shall not include a container or packaging**
508 **used to transport the food. "Prepared food" shall not include food that is only cut,**
509 **repackaged, or pasteurized by the seller, or eggs, fish, meat, poultry, or foods containing**
510 **these raw animal foods requiring cooking by the consumer, as recommended by the Food**
511 **and Drug Administration in Chapter 3, Part 401.11 of the Food Code, so as to prevent**
512 **foodborne illnesses;**

513 (71) **"Prescription"**, an order, formula, or recipe issued in any form of oral,
514 **written, electronic, or other means of transmission by a duly licensed practitioner**
515 **authorized by the laws of the state;**

516 (72) "Prewritten computer software", computer software, including prewritten
517 upgrades, that is not designed and developed by the author or other creator to the
518 specifications of a specific purchaser. The combining of two or more prewritten computer
519 software programs or prewritten portions thereof shall not cause the combination to be
520 other than prewritten computer software. "Prewritten computer software" shall include
521 software designed and developed by the author or other creator to the specifications of a
522 specific purchaser if it is sold to a person other than the specific purchaser. If a person
523 modifies or enhances computer software of which the person is not the author or creator,
524 the person shall be deemed to be the author or creator only of such person's modifications
525 or enhancements. Prewritten computer software or a prewritten portion thereof that is
526 modified or enhanced to any degree, if such modification or enhancement is designed and
527 developed to the specifications of a specific purchaser, remains prewritten computer
528 software; provided that, such modification or enhancement shall not constitute prewritten
529 computer software where there is a reasonable, separately stated charge, invoice, or other
530 statement of the price given to the purchaser;

531 (73) "Private communication service", a telecommunications service that entitles
532 the customer to exclusive or priority use of a communications channel or group of
533 channels between or among termination points, regardless of the manner in which such
534 channel or channels are connected, and includes switching capacity, extension lines,
535 stations, and any other associated services that are provided in connection with the use
536 of such channel or channels;

537 (74) "Product-based exemption", an exemption based on the description of the
538 product and not based on who purchases the product or how the purchaser intends to use
539 the product;

540 (75) "Product which is intended to be sold ultimately for final use or consumption",
541 [~~means~~] tangible personal property[;] or any service that is subject to state or local sales or use
542 taxes[;] or any tax that is substantially equivalent thereto, in this state or any other state;

543 (76) "Prosthetic device", a replacement, corrective, or supportive device, including
544 repair and replacement parts for the same, worn on or in the body to artificially replace
545 a missing portion of the body, prevent or correct a physical deformity or malfunction, or
546 support a weak or deformed portion of the body. The term "prosthetic device" shall not
547 include corrective eyeglasses or contact lenses and shall be limited to the classification of
548 devices eligible for MO HealthNet and Medicare reimbursement;

549 (77) "Protective equipment", items for human wear and designed as protection
550 of the wearer against injury or disease or as protection against damage or injury of other
551 persons or property but not suitable for general use. "Protective equipment" is mutually

552 **exclusive of clothing, clothing accessories or equipment, and sport or recreational**
553 **equipment;**

554 **(78) "Purchase", the acquisition of the ownership of or title to tangible personal**
555 **property through a sale, as defined herein, for the purpose of storage, use, or consumption**
556 **in this state;**

557 **(79) "Purchase price", applies to the measure subject to use tax and has the same**
558 **meaning as "sales price";**

559 **(80) "Purchaser" [means] , a person [who purchases tangible] to whom a sale of**
560 **personal property is made or to whom [are rendered services, receipts from which are taxable**
561 **under sections 144.010 to 144.525] a service is rendered;**

562 ~~[(10)]~~ **(81) "Qualified light aircraft purchaser", a purchaser of a light aircraft,**
563 **light aircraft kit, or light aircraft parts or components who is a nonresident of this state;**
564 **who will transport the light aircraft, light aircraft kit, or light aircraft parts or**
565 **components outside this state within ten days after the date of purchase; and who will**
566 **register any light aircraft so purchased in another state or country. A qualified light**
567 **aircraft purchaser shall not base the light aircraft, light aircraft kit, or light aircraft parts**
568 **in this state, and a qualified light aircraft purchaser shall not be a resident of the state**
569 **unless such purchaser has paid sales or use tax on such aircraft in another state;**

570 **(82) "Receive" or "receipt", taking possession of tangible personal property,**
571 **making first use of services, or taking possession or making first use of digital goods,**
572 **whichever comes first. "Receive" or "receipt" shall not include possession by a shipping**
573 **company on behalf of the purchaser;**

574 **(83) "Registered under the agreement", registration by a seller with the member**
575 **states under the central registration system provided in article IV of the agreement;**

576 ~~[(11)]~~ **(84) "Research or experimentation activities" are the development of an**
577 **experimental or pilot model, plant process, formula, invention or similar property, and the**
578 **improvement of existing property of such type. Research or experimentation activities do not**
579 **include activities such as ordinary testing or inspection of materials or products for quality**
580 **control, efficiency surveys, advertising promotions or research in connection with literary,**
581 **historical or similar projects;**

582 ~~[(12)]~~ **"Sale" or "sales" includes installment and credit sales, and the exchange of**
583 **properties as well as the sale thereof for money, every closed transaction constituting a sale, and**
584 **means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means**
585 **whatsoever, of tangible personal property for valuable consideration and the rendering,**
586 **furnishing or selling for a valuable consideration any of the substances, things and services**
587 **herein designated and defined as taxable under the terms of sections 144.010 to 144.525;**

588 ~~————(13)]~~ **(85)** "Sale at retail" [~~means any transfer made by any person engaged in business~~
589 ~~as defined herein of the ownership of, or title to, tangible personal property to the purchaser, for~~
590 ~~use or consumption and not for resale in any form as tangible personal property, for a valuable~~
591 ~~consideration; except that, for the purposes of sections 144.010 to 144.525 and the tax imposed~~
592 ~~thereby: (i) purchases of tangible personal property made by duly licensed physicians, dentists,~~
593 ~~optometrists and veterinarians and used in the practice of their professions shall be deemed to~~
594 ~~be purchases for use or consumption and not for resale; and (ii) the selling of computer~~
595 ~~printouts, computer output or microfilm or microfiche and computer-assisted photo~~
596 ~~compositions to a purchaser to enable the purchaser to obtain for his or her own use the desired~~
597 ~~information contained in such computer printouts, computer output on microfilm or microfiche~~
598 ~~and computer-assisted photo compositions shall be considered as the sale of a service and not~~
599 ~~as the sale of tangible personal property]~~ or **"retail sale", any sale, lease, or rental for any**
600 **purpose other than for resale, sublease, or subrent. Purchases of tangible personal**
601 **property made by duly licensed physicians, dentists, optometrists, and veterinarians and**
602 **used in the practice of their professions shall be deemed to be purchases for use or**
603 **consumption and not for resale.** Where necessary to conform to the context of [~~sections~~
604 ~~144.010 to 144.525]~~ **chapter 144** and the tax imposed thereby, the term "sale at retail" shall be
605 construed to embrace:

606 (a) Sales of admission tickets, cash admissions, charges and fees to or in places of
607 amusement, entertainment and recreation, games and athletic events, except amounts paid for
608 any instructional class;

609 (b) Sales of electricity, electrical current, water and gas, natural or artificial, to
610 domestic, commercial or industrial consumers;

611 (c) Sales of [~~local and long distance~~] telecommunications [~~service to~~
612 ~~telecommunications subscribers~~] **services** and [~~to others through equipment of~~
613 ~~telecommunications subscribers for the transmission of messages and conversations,~~] **ancillary**
614 **services** and the sale, rental or leasing of all equipment or services pertaining or incidental
615 thereto;

616 (d) Sales of service for transmission of messages by telegraph companies;

617 (e) Sales or charges for all rooms, meals and drinks furnished at any hotel, motel,
618 tavern, inn, restaurant, eating house, drugstore, dining car, tourist camp, tourist cabin, or other
619 place in which rooms, meals or drinks are regularly served to the public; **and**

620 (f) Sales of tickets by every person operating a railroad, sleeping car, dining car, express
621 car, boat, airplane, and such buses and trucks as are licensed by the division of motor carrier and
622 railroad safety of the department of economic development of Missouri, engaged in the
623 transportation of persons for hire;

624 (86) "Sales price", see "gross receipts";

625 (87) "School art supply":

626 (a) An item commonly used by a student in a course of study for artwork. The
627 term is mutually exclusive of the terms "school supply", "school instructional material",
628 and "school computer supply"; and

629 (b) The following is an all-inclusive list:

630 a. Clay and glazes;

631 b. Paints: acrylic, tempera, and oil;

632 c. Paintbrushes for artwork;

633 d. Sketch and drawing pads; and

634 e. Watercolors;

635 (88) "School computer supply":

636 (a) An item commonly used by a student in a course of study in which a computer
637 is used. The term is mutually exclusive of the terms "school supply", "school art supply",
638 and "school instructional material"; and

639 (b) The following is an all-inclusive list:

640 a. Computer storage media, diskettes, and compact discs;

641 b. Hand-held electronic schedulers, except devices that are cellular phones;

642 c. Personal digital assistants, except devices that are cellular phones; and

643 d. Computer printers and printer supplies for computers, printer paper, and
644 printer ink;

645 (89) "School instructional material":

646 (a) Written material commonly used by a student in a course of study as a
647 reference and to learn the subject being taught. The term is mutually exclusive of the
648 terms "school supply", "school art supply", and "school computer supply"; and

649 (b) The following is an all-inclusive list:

650 a. Reference books;

651 b. Reference maps and globes;

652 c. Textbooks; and

653 d. Workbooks;

654 (90) "School supply":

655 (a) An item commonly used by a student in a course of study. The term is
656 mutually exclusive of the terms "school art supply", "school computer supply", and
657 "school instructional material"; and

658 (b) The following is an all-inclusive list:

659 a. Binders;

- 660 **b. Blackboard chalk;**
 661 **c. Book bags;**
 662 **d. Calculators;**
 663 **e. Cellophane tape;**
 664 **f. Compasses;**
 665 **g. Composition books;**
 666 **h. Crayons;**
 667 **i. Erasers;**
 668 **j. Folders: expandable, pocket, plastic, and manila;**
 669 **k. Glue, paste, and paste sticks;**
 670 **l. Highlighters;**
 671 **m. Index cards;**
 672 **n. Index card boxes;**
 673 **o. Legal pads;**
 674 **p. Lunch boxes;**
 675 **q. Markers;**
 676 **r. Notebooks;**
 677 **s. Paper: loose leaf, notebook paper, copy paper, graph paper, tracing paper,**
 678 **manila paper, colored paper, poster board, and construction paper;**
 679 **t. Pencil boxes and other school supply boxes;**
 680 **u. Pencil sharpeners;**
 681 **v. Pencils;**
 682 **w. Pens;**
 683 **x. Protractors;**
 684 **y. Rulers;**
 685 **z. Scissors; and**
 686 **aa. Writing tablets;**
 687 ~~[(14)]~~ **(91) "Seller" [means] , a person [selling or furnishing tangible] making sales,**
 688 **leases, or rentals of personal property or [rendering services, on the receipts from which a tax**
 689 **is imposed pursuant to section 144.020] services;**
 690 **(92) "Selling agent", every person acting as a representative of a principal, if such**
 691 **principal is not registered with the director of revenue of this state for the collection of the**
 692 **taxes imposed under this chapter, and who receives compensation by reason of the sale**
 693 **of tangible personal property of the principal if such property is to be stored, used, or**
 694 **consumed in this state;**
 695 **(93) "Service address":**

696 (a) The location of the telecommunications equipment to which a customer's call
697 is charged and from which the call originates or terminates, regardless of where the call
698 is billed or paid;

699 (b) If the location in paragraph (a) of this subdivision is not known, "service
700 address" means the origination point of the signal of the telecommunications services first
701 identified by either the seller's telecommunications system or by information received by
702 the seller from its service provider if the system used to transport such signals is not that
703 of the seller; and

704 (c) If the location in paragraphs (a) and (b) of this subdivision is not known, the
705 service address shall be the location of the customer's place of primary use;

706 (94) "Specified digital products", electronically transferred digital audio-visual
707 works, digital audio works, and digital books;

708 (95) "Sport or recreational equipment", items designed for human use and worn
709 in conjunction with an athletic or recreational activity that are not suitable for general
710 use. "Sport or recreational equipment" is mutually exclusive of clothing, clothing
711 accessories or equipment, and protective equipment;

712 (96) "State", any state of the United States, the District of Columbia, and the
713 Commonwealth of Puerto Rico;

714 (97) "Storage", any keeping or retention in this state of tangible personal property
715 purchased from a vendor, except property for sale or property that is temporarily kept
716 or retained in this state for subsequent use outside this state;

717 (98) "Tangible personal property", personal property that can be seen, weighed,
718 measured, felt, or touched, or that is in any other manner perceptible to the senses.
719 "Tangible personal property" shall include electricity, water, gas, steam, and prewritten
720 computer software. "Tangible personal property" shall not include specified digital
721 products;

722 ~~[(15) The noun "tax"]~~ (99) "Tax" ~~[means]~~, either the tax payable by the purchaser of
723 a commodity or service subject to tax, or the aggregate amount of taxes due from the vendor of
724 such commodities or services during the period for which he or she is required to report his or
725 her collections, as the context may require; ~~[and]~~

726 (100) "Taxpayer", any person remitting the tax or who should remit the tax levied
727 by this chapter;

728 (101) "Telecommunications nonrecurring charges", an amount billed for the
729 installation, connection, change, or initiation of telecommunications service received by
730 the customer;

731 ~~[(16)] (102) "Telecommunications service" [, for the purpose of this chapter, the~~
 732 ~~transmission of information by wire, radio, optical cable, coaxial cable, electronic impulses, or~~
 733 ~~other similar means. As used in this definition, "information" means knowledge or intelligence~~
 734 ~~represented by any form of writing, signs, signals, pictures, sounds, or any other symbols.~~
 735 ~~Telecommunications service does not include the following if such services are separately stated~~
 736 ~~on the customer's bill or on records of the seller maintained in the ordinary course of business:~~
 737 ~~—— (a) Access to the internet, access to interactive computer services or electronic~~
 738 ~~publishing services, except the amount paid for the telecommunications service used to provide~~
 739 ~~such access;~~
 740 ~~—— (b) Answering services and one-way paging services;~~
 741 ~~—— (c) Private mobile radio services which are not two-way commercial mobile radio~~
 742 ~~services such as wireless telephone, personal communications services or enhanced specialized~~
 743 ~~mobile radio services as defined pursuant to federal law; or~~
 744 ~~—— (d) Cable or satellite television or music services; and~~
 745 ~~—— (16) "Product which is intended to be sold ultimately for final use or consumption"~~
 746 ~~means tangible personal property, or any service that is subject to state or local sales or use~~
 747 ~~taxes, or any tax that is substantially equivalent thereto, in this state or any other state.] :~~

748 **(a) The electronic transmission, conveyance, or routing of voice, data, audio, video,**
 749 **or any other information or signals to a point or between or among points;**

750 **(b) "Telecommunications service" shall include such transmission, conveyance,**
 751 **or routing in which computer processing applications are used to act on the form, code,**
 752 **or protocol of the content for purposes of transmission, conveyance, or routing without**
 753 **regard to whether such service is referred to as voice over internet protocol services or is**
 754 **classified by the Federal Communications Commission as enhanced or value added;**

755 **(c) "Telecommunications service" shall include air-to-ground radiotelephone**
 756 **service, mobile telecommunications service, post-paid calling service, prepaid calling**
 757 **service, prepaid wireless calling service, and private communication service; and**

758 **(d) "Telecommunications service" shall not include:**

759 **a. Data processing and information services that allow data to be generated,**
 760 **acquired, stored, processed, or retrieved and delivered by an electronic transmission to**
 761 **a purchaser if such purchaser's primary purpose for the underlying transaction is the**
 762 **processed data or information;**

763 **b. Installation or maintenance of wiring or equipment on a customer's premises;**

764 **c. Tangible personal property;**

765 **d. Advertising including, but not limited to, directory advertising;**

766 **e. Billing and collection services provided to third parties;**

- 767 **f. Internet access service;**
- 768 **g. Radio and television audio and video programming services, regardless of the**
769 **medium, including the furnishing of transmission, conveyance, and routing of such**
770 **services by the programming service provider. Radio and television audio and video**
771 **programming services shall include, but not be limited to, cable service, as defined in 47**
772 **U.S.C. Section 522(6), and audio and video programming services delivered by**
773 **commercial mobile radio service providers, as defined in 47 CFR 20.3;**
- 774 **h. Ancillary services; or**
- 775 **i. Digital products delivered electronically including, but not limited to, software,**
776 **music, video, reading materials, or ringtones;**
- 777 **(103) "Tobacco", cigarettes, cigars, chewing or pipe tobacco, or any other item**
778 **that contains tobacco;**
- 779 **(104) "Transportation equipment", any of the following:**
- 780 **(a) Locomotives and railcars that are utilized for the carriage of persons or**
781 **property in interstate commerce;**
- 782 **(b) Trucks and truck-tractors with a gross vehicle weight rating (GVWR) of ten**
783 **thousand one pounds or greater, trailers, semitrailers, or passenger buses that are:**
- 784 **a. Registered through the International Registration Plan; and**
- 785 **b. Operated under authority of a carrier authorized and certificated by the United**
786 **States Department of Transportation or another federal authority to engage in the**
787 **carriage of persons or property in interstate commerce;**
- 788 **(c) Aircraft that are operated by air carriers authorized and certificated by the**
789 **United States Department of Transportation or another federal or a foreign authority to**
790 **engage in the carriage of persons or property in interstate or foreign commerce; or**
- 791 **(d) Containers designed for use on and component parts attached or secured on**
792 **the items set forth in paragraphs (a) to (c) of this subdivision;**
- 793 **(105) "Use", the exercise of any right or power over tangible personal property**
794 **incident to the ownership or control of that property, except that it does not include the**
795 **temporary storage of property in this state for subsequent use outside the state or the sale**
796 **of the property in the regular course of business;**
- 797 **(106) "Use-based exemption", an exemption based on a specified use of the**
798 **product by the purchaser;**
- 799 **(107) "Vendor", every person engaged in making sales of tangible personal**
800 **property by mail order, by advertising, by agent, or by peddling, soliciting, or taking**
801 **orders for sales of tangible personal property for storage, use, or consumption in this**
802 **state; all salespersons, solicitors, hawkers, representatives, consignees, peddlers, or**

803 **canvassers, as agents of the dealers, distributors, consignors, supervisors, principals, or**
 804 **employers under whom they operate or from whom they obtain the tangible personal**
 805 **property sold by them; every person who maintains a place of business in this state,**
 806 **maintains a stock of goods in this state, or engages in business activities within this state;**
 807 **and every person who engages in this state in the business of acting as a selling agent for**
 808 **persons not otherwise vendors as defined in this subdivision. Distributors, consignors,**
 809 **supervisors, principals, and employers shall be regarded as vendors, irrespective of**
 810 **whether they are making sales on their own or on behalf of the dealers, and such**
 811 **distributors, consignors, supervisors, principals, employers, and dealers shall be regarded**
 812 **as vendors for the purposes of sections 144.600 to 144.745.**

813 ~~2. For purposes of the taxes imposed under sections 144.010 to 144.525, and any other~~
 814 ~~provisions of law pertaining to sales or use taxes which incorporate the provisions of sections~~
 815 ~~144.010 to 144.525 by reference, the term "manufactured homes" shall have the same meaning~~
 816 ~~given it in section 700.010.~~

817 ~~3. Sections 144.010 to 144.525 may be known and quoted as the "Sales Tax Law".]~~

144.014. 1. Notwithstanding other provisions of law to the contrary, beginning October
 2 1, 1997, the tax levied and imposed [~~pursuant to sections 144.010 to 144.525 and sections~~
 3 ~~144.600 to 144.746~~] **under chapter 144** on all retail sales of food, **food sold through vending**
 4 **machines, and food ingredients** shall be at the rate of one percent. The revenue derived from
 5 the one percent rate [~~pursuant to~~] **under** this section shall be deposited by the state treasurer in
 6 the school district trust fund and shall be distributed as provided [~~in~~] **under** section 144.701.

7 2. [~~For the purposes of this section, the term "food" shall include only those products~~
 8 ~~and types of food for which food stamps may be redeemed pursuant to the provisions of the~~
 9 ~~Federal Food Stamp Program as contained in 7 U.S.C. Section 2012, as that section now reads~~
 10 ~~or as it may be amended hereafter, and shall include food dispensed by or through vending~~
 11 ~~machines. For the purpose of this section,]~~ Except for **food sold through vending [machine**
 12 ~~sales, the term "food"] machines, subsection 1 of this section~~ shall not [~~include~~] **apply to** food
 13 or drink sold by any establishment where the gross receipts derived from the sale of food
 14 prepared by such establishment for immediate consumption on or off the premises of the
 15 establishment constitutes more than eighty percent of the total gross receipts of that
 16 establishment, regardless of whether such prepared food is consumed on the premises of that
 17 establishment, including, but not limited to, sales of food by any restaurant, fast food restaurant,
 18 delicatessen, eating house, or café.

144.020. 1. A tax is hereby levied and imposed for the privilege of titling new and used
 2 motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the
 3 highways or waters of this state which are required to be titled under the laws of the state of

4 Missouri and, except as provided in subdivision (9) of this subsection, upon all sellers for the
5 privilege of engaging in the business of selling tangible personal property or rendering taxable
6 service at retail in this state. The rate of tax shall be as follows:

7 (1) Upon every retail sale in this state of tangible personal property, excluding motor
8 vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors required to
9 be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of this
10 subsection, a tax equivalent to four percent of the purchase price paid or charged, or in case
11 such sale involves the exchange of property, a tax equivalent to four percent of the consideration
12 paid or charged, including the fair market value of the property exchanged at the time and place
13 of the exchange, except as otherwise provided in section 144.025;

14 (2) A tax equivalent to four percent of the amount paid for admission and seating
15 accommodations, or fees paid to, or in any place of amusement, entertainment or recreation,
16 games and athletic events, except amounts paid for any instructional class;

17 (3) A tax equivalent to four percent of the basic rate paid or charged on all sales of
18 electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or
19 industrial consumers;

20 (4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local
21 and long distance telecommunications service to telecommunications subscribers and to others
22 through equipment of telecommunications subscribers for the transmission of messages and
23 conversations, **upon ancillary services**, and upon the sale, rental, or leasing of all equipment
24 or services pertaining or incidental thereto; except that, the payment made by
25 telecommunications subscribers or others, ~~pursuant to~~ **under** section 144.060, and any
26 amounts paid for access to the internet or interactive computer services shall not be considered
27 as amounts paid for telecommunications services;

28 (5) A tax equivalent to four percent of the basic rate paid or charged for all sales of
29 services for transmission of messages of telegraph companies;

30 (6) A tax equivalent to four percent on the amount of sales or charges for all rooms,
31 meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore,
32 dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are
33 regularly served to the public. The tax imposed under this subdivision shall not apply to any
34 automatic mandatory gratuity for a large group imposed by a restaurant when such gratuity is
35 reported as employee tip income and the restaurant withholds income tax under section 143.191
36 on such gratuity;

37 (7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets
38 by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and
39 such buses and trucks as are licensed by the division of motor carrier and railroad safety of the

40 department of economic development of Missouri, engaged in the transportation of persons for
41 hire;

42 (8) A tax equivalent to four percent of the amount paid or charged for rental or lease
43 of tangible personal property, provided that if the lessor or renter of any tangible personal
44 property had previously purchased the property under the conditions of sale at retail or leased
45 or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor,
46 sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease,
47 rental or subrental receipts from that property. The purchase, rental or lease of motor vehicles,
48 trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the
49 tax paid as provided in this section and section 144.070. In no event shall the rental or lease of
50 boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement,
51 entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to,
52 for, or in such places of amusement, entertainment or recreation. Rental and leased boats or
53 outboard motors shall be taxed under the provisions of the sales tax laws as provided under such
54 laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales
55 or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use
56 tax upon the lease or rental thereof;

57 (9) A tax equivalent to four percent of the purchase price, as defined in section 144.070,
58 of new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for
59 use on the highways or waters of this state which are required to be registered under the laws
60 of the state of Missouri. This tax is imposed on the person titling such property, and shall be
61 paid according to the procedures in section 144.440.

62 2. All tickets sold which are sold under the provisions of [~~sections 144.010 to 144.525~~]
63 **this chapter** which are subject to the sales tax shall have printed, stamped or otherwise
64 endorsed thereon, the words "This ticket is subject to a sales tax."

65 **3. All tax levied and imposed under this chapter is hereby expressly made**
66 **applicable to all sales made through the internet to purchasers in this state regardless of**
67 **whether the seller has a physical presence in this state, provided that, in either the current**
68 **or immediately preceding calendar year, at least one of the following conditions is met:**

69 **(1) The seller receives at least one hundred thousand dollars of gross revenue from**
70 **sales in this state; or**

71 **(2) The seller has undertaken at least two hundred separate transactions for the**
72 **delivery of goods or services in this state.**

73

74 **All sellers subject to sales tax under this subsection, regardless of physical presence in this**
75 **state, are hereby expressly required to remit such sales tax according to all applicable**

76 procedures and requirements found in section 144.021 and all other applicable provisions
77 under chapter 144.

144.022. 1. In the case of a bundled transaction that includes any
2 telecommunications service, ancillary service, internet access, or audio or video
3 programming service:

4 (1) If the price is attributable to products that are taxable and products that are
5 nontaxable, the portion of the price attributable to the nontaxable products may be
6 subject to tax unless the provider can identify, by reasonable and verifiable standards,
7 such portion from its books and records that are kept in the regular course of business for
8 other purposes including, but not limited to, non-tax purposes; and

9 (2) If the price is attributable to products that are subject to tax at different tax
10 rates, the total price shall be treated as attributable to the products subject to tax at the
11 highest tax rate unless the provider can identify, by reasonable and verifiable standards,
12 the portion of the price attributable to the products subject to tax at the lower rate from
13 its books and records that are kept in the regular course of business for other purposes
14 including, but not limited to, nontax purposes.

15 2. In the case of a transaction that includes an optional computer software
16 maintenance contract for prewritten computer software, the following provisions apply:

17 (1) If an optional computer software maintenance contract only obligates the
18 vendor to provide upgrades and updates, it shall be characterized as a sale of prewritten
19 computer software;

20 (2) If an optional computer software maintenance contract only obligates the
21 vendor to provide support services, it shall be characterized as a sale of services and not
22 a sale of tangible personal property; and

23 (3) If an optional computer software maintenance contract is a bundled
24 transaction in which both taxable and nontaxable or exempt products are not separately
25 itemized on the invoice or similar billing document, the purchase price under the contract
26 shall be taxable.

27 3. The provisions of this subsection shall apply unless otherwise provided by
28 federal law.

144.030. 1. There is hereby specifically exempted from the provisions of [sections
2 144.010 to 144.525] **this chapter** and from the computation of the tax levied, assessed or
3 payable [pursuant to sections 144.010 to 144.525] **under this chapter** such retail sales as may
4 be made in commerce between this state and any other state of the United States, or between
5 this state and any foreign country, and any retail sale which [the state of Missouri] **this state** is
6 prohibited from taxing [pursuant to] **under** the Constitution or laws of the United States of

7 America, and such retail sales of tangible personal property which the general assembly of the
8 state of Missouri is prohibited from taxing or further taxing ~~by~~ **under** the constitution of this
9 state.

10 2. There are also specifically exempted from the provisions of the local sales tax law
11 as defined in section 32.085, section 238.235, and ~~[sections 144.010 to 144.525 and 144.600~~
12 ~~to 144.761]~~ **chapter 144** and from the computation of the tax levied, assessed or payable
13 ~~[pursuant to]~~ **under** the local sales tax law as defined in section 32.085, section 238.235, and
14 ~~[sections 144.010 to 144.525 and 144.600 to 144.745]~~ **chapter 144**:

15 (1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of
16 such excise tax is refunded ~~[pursuant to]~~ **under** section 142.824; or upon the sale at retail of fuel
17 to be consumed in manufacturing or creating gas, power, steam, electrical current or in
18 furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be
19 converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed,
20 limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when
21 harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in
22 processed form at retail; economic poisons registered ~~[pursuant to the provisions of]~~ **under**
23 **sections 281.220 to 281.310**, the Missouri pesticide registration ~~[law, sections 281.220 to~~
24 ~~281.310,]~~ **act**, which are to be used in connection with the growth or production of crops, fruit
25 trees or orchards applied before, during, or after planting, the crop of which when harvested will
26 be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed
27 form at retail;

28 (2) Materials, manufactured goods, machinery and parts which when used in
29 manufacturing, processing, compounding, mining, producing or fabricating become a
30 component part or ingredient of the new personal property resulting from such manufacturing,
31 processing, compounding, mining, producing or fabricating and which new personal property
32 is intended to be sold ultimately for final use or consumption; and materials, including without
33 limitation, gases and manufactured goods, including without limitation slagging materials and
34 firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or
35 interacting with or by becoming, in whole or in part, component parts or ingredients of steel
36 products intended to be sold ultimately for final use or consumption;

37 (3) Materials, replacement parts and equipment purchased for use directly upon, and
38 for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling
39 stock or aircraft engaged as common carriers of persons or property;

40 (4) **Motor vehicles registered in excess of fifty-four thousand pounds, and the**
41 **trailers pulled by such motor vehicles, that are actually used in the normal course of**
42 **business to haul property on the public highways of the state and that are capable of**

43 hauling loads commensurate with the motor vehicle's registered weight; and the materials,
44 replacement parts, and equipment purchased for use directly upon, and for the repair and
45 maintenance or manufacture of such vehicles. For purposes of this subdivision, "motor
46 vehicle" and "public highway" shall have the same meanings as defined under section
47 390.020;

48 ~~[(4)]~~ (5) Replacement machinery, equipment, and parts and the materials and supplies
49 solely required for the installation or construction of such replacement machinery, equipment,
50 and parts, used directly in manufacturing, mining, fabricating or producing a product which is
51 intended to be sold ultimately for final use or consumption; and machinery and equipment, and
52 the materials and supplies required solely for the operation, installation or construction of such
53 machinery and equipment, purchased and used to establish new, or to replace or expand
54 existing, material recovery processing plants in this state. For the purposes of this subdivision,
55 a "material recovery processing plant" means a facility that has as its primary purpose the
56 recovery of materials into a usable product or a different form which is used in producing a new
57 product and shall include a facility or equipment which are used exclusively for the collection
58 of recovered materials for delivery to a material recovery processing plant but shall not include
59 motor vehicles used on highways. For purposes of this section, the terms "motor vehicle" and
60 "highway" shall have the same meaning ~~[pursuant to]~~ **as under** section 301.010. ~~[For the~~
61 ~~purposes of this subdivision, subdivision (6) of this subsection, and section 144.054, as well as~~
62 ~~the definition in subdivision (9) of subsection 1 of section 144.010, the term "product" includes~~
63 ~~telecommunications services and the term "manufacturing" shall include the production, or~~
64 ~~production and transmission, of telecommunications services. The preceding sentence does not~~
65 ~~make a substantive change in the law and is intended to clarify that the term "manufacturing"~~
66 ~~has included and continues to include the production and transmission of "telecommunications~~
67 ~~services", as enacted in this subdivision and subdivision (6) of this subsection, as well as the~~
68 ~~definition in subdivision (9) of subsection 1 of section 144.010. The preceding two sentences~~
69 ~~reaffirm legislative intent consistent with the interpretation of this subdivision and subdivision~~
70 ~~(6) of this subsection in *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo.~~
71 ~~banc 2002) and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc~~
72 ~~2005), and accordingly abrogates the Missouri supreme court's interpretation of those~~
73 ~~exemptions in *IBM Corporation v. Director of Revenue*, 491 S.W.3d 535 (Mo. banc 2016) to~~
74 ~~the extent inconsistent with this section and *Southwestern Bell Tel. Co. v. Director of Revenue*,~~
75 ~~78 S.W.3d 763 (Mo. banc 2002) and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182~~
76 ~~S.W.3d 226 (Mo. banc 2005). The construction and application of this subdivision as expressed~~
77 ~~by the Missouri supreme court in *DST Systems, Inc. v. Director of Revenue*, 43 S.W.3d 799~~
78 ~~(Mo. banc 2001); *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc~~

79 2002); and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc
80 2005), is hereby affirmed.] Material recovery is not the reuse of materials within a
81 manufacturing process or the use of a product previously recovered. The material recovery
82 processing plant shall qualify under the provisions of this section regardless of ownership of the
83 material being recovered;

84 ~~[(5)]~~ **(6)** Machinery and equipment, and parts and the materials and supplies solely
85 required for the installation or construction of such machinery and equipment, purchased and
86 used to establish new or to expand existing manufacturing, mining or fabricating plants in the
87 state if such machinery and equipment is used directly in manufacturing, mining or fabricating
88 a product which is intended to be sold ultimately for final use or consumption[. The
89 construction and application of this subdivision as expressed by the Missouri supreme court in
90 *DST Systems, Inc. v. Director of Revenue*, 43 S.W.3d 799 (Mo. banc 2001); *Southwestern Bell*
91 *Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002); and *Southwestern Bell Tel.*
92 *Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005), is hereby affirmed];

93 ~~[(6)]~~ **(7)** Tangible personal property which is used exclusively in the manufacturing,
94 processing, modification or assembling of products sold to the United States government or to
95 any agency of the United States government;

96 ~~[(7)]~~ **(8)** Animals or poultry used for breeding or feeding purposes, or captive wildlife;

97 ~~[(8)]~~ **(9)** Newsprint, ink, computers, photosensitive paper and film, toner, printing plates
98 and other machinery, equipment, replacement parts and supplies used in producing newspapers
99 published for dissemination of news to the general public;

100 ~~[(9)]~~ **(10)** The rentals of films, records or any type of sound or picture transcriptions for
101 public commercial display;

102 ~~[(10)]~~ **(11)** Pumping machinery and equipment used to propel products delivered by
103 pipelines engaged as common carriers;

104 ~~[(11)]~~ **(12)** Railroad rolling stock for use in transporting persons or property in interstate
105 commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or
106 more or trailers used by common carriers, as defined in section 390.020, in the transportation
107 of persons or property;

108 ~~[(12)]~~ **(13)** Electrical energy used in the actual primary manufacture, processing,
109 compounding, mining or producing of a product, or electrical energy used in the actual
110 secondary processing or fabricating of the product, or a "material recovery processing plant"
111 as defined in subdivision ~~[(4)]~~ **(5)** of this subsection, in facilities owned or leased by the
112 taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of
113 production, either primary or secondary, exclusive of the cost of electrical energy so used or if
114 the raw materials used in such processing contain at least twenty-five percent recovered

115 materials as defined in section 260.200. There shall be a rebuttable presumption that the raw
116 materials used in the primary manufacture of automobiles contain at least twenty-five percent
117 recovered materials. For purposes of this subdivision, "processing" means any mode of
118 treatment, act or series of acts performed upon materials to transform and reduce them to a
119 different state or thing, including treatment necessary to maintain or preserve such processing
120 by the producer at the production facility;

121 ~~[(13)]~~ **(14)** Anodes which are used or consumed in manufacturing, processing,
122 compounding, mining, producing or fabricating and which have a useful life of less than one
123 year;

124 ~~[(14)]~~ **(15)** Machinery, equipment, appliances and devices purchased or leased and used
125 solely for the purpose of preventing, abating or monitoring air pollution, and materials and
126 supplies solely required for the installation, construction or reconstruction of such machinery,
127 equipment, appliances and devices;

128 ~~[(15)]~~ **(16)** Machinery, equipment, appliances and devices purchased or leased and used
129 solely for the purpose of preventing, abating or monitoring water pollution, and materials and
130 supplies solely required for the installation, construction or reconstruction of such machinery,
131 equipment, appliances and devices;

132 ~~[(16)]~~ **(17)** Tangible personal property purchased by a rural water district;

133 ~~[(17)]~~ **(18)** All amounts paid or charged for admission or participation or other fees paid
134 by or other charges to individuals in or for any place of amusement, entertainment or recreation,
135 games or athletic events, including museums, fairs, zoos and planetariums, owned or operated
136 by a municipality or other political subdivision where all the proceeds derived therefrom benefit
137 the municipality or other political subdivision and do not inure to any private person, firm, or
138 corporation, provided, however, that a municipality or other political subdivision may enter into
139 revenue-sharing agreements with private persons, firms, or corporations providing goods or
140 services, including management services, in or for the place of amusement, entertainment or
141 recreation, games or athletic events, and provided further that nothing in this subdivision shall
142 exempt from tax any amounts retained by any private person, firm, or corporation under such
143 revenue-sharing agreement;

144 ~~[(18)]~~ **(19)** All sales of ~~[insulin, and all sales, rentals, repairs, and parts of durable~~
145 ~~medical equipment, prosthetic devices, and orthopedic devices as defined on January 1, 1980,~~
146 ~~by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965,~~
147 ~~including the items specified in Section 1862(a)(12) of that act, and also specifically including~~
148 ~~hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by~~
149 ~~a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer~~
150 ~~those items, including samples and materials used to manufacture samples which may be~~

151 ~~dispensed by a practitioner authorized to dispense such samples and all sales or rental of~~
152 ~~medical oxygen, home respiratory equipment and accessories including parts, and hospital beds~~
153 ~~and accessories and ambulatory aids including parts, and all sales or rental of manual and~~
154 ~~powered wheelchairs including parts, and stairway lifts, Braille writers, electronic Braille~~
155 ~~equipment and, if purchased or rented by or on behalf of a person with one or more physical or~~
156 ~~mental disabilities to enable them to function more independently, all sales or rental of scooters~~
157 ~~including parts, and reading machines, electronic print enlargers and magnifiers, electronic~~
158 ~~alternative and augmentative communication devices, and items used solely to modify motor~~
159 ~~vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of]~~
160 ~~over-the-counter [or nonprescription] drugs to individuals with disabilities, and all sales of~~
161 **prescription drugs, durable medical equipment, prosthetic devices, mobility-enhancing**
162 **equipment, kidney dialysis equipment and enteral feeding systems,** and drugs required by
163 the Food and Drug Administration to meet the over-the-counter drug product labeling
164 requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner
165 licensed to prescribe;

166 ~~[(19)]~~ **(20)** All sales made by or to religious and charitable organizations and
167 institutions in their religious, charitable or educational functions and activities and all sales
168 made by or to all elementary and secondary schools operated at public expense in their
169 educational functions and activities;

170 ~~[(20)]~~ **(21)** All sales of aircraft to common carriers for storage or for use in interstate
171 commerce and all sales made by or to not-for-profit civic, social, service or fraternal
172 organizations, including fraternal organizations which have been declared tax-exempt
173 organizations ~~[pursuant to]~~ **under** Section 501(c)(8) or (10) of the 1986 Internal Revenue Code,
174 as amended, in their civic or charitable functions and activities and all sales made to
175 eleemosynary and penal institutions and industries of the state, and all sales made to any private
176 not-for-profit institution of higher education not otherwise excluded ~~[pursuant to]~~ **under**
177 subdivision ~~[(19)]~~ **(20)** of this subsection or any institution of higher education supported by
178 public funds, and all sales made to a state relief agency in the exercise of relief functions and
179 activities;

180 ~~[(21)]~~ **(22)** All ticket sales made by benevolent, scientific and educational associations
181 which are formed to foster, encourage, and promote progress and improvement in the science
182 of agriculture and in the raising and breeding of animals, and by nonprofit summer theater
183 organizations if such organizations are exempt from federal tax ~~[pursuant to the provisions of]~~
184 **under** the Internal Revenue Code and all admission charges and entry fees to the Missouri state
185 fair or any fair conducted by a county agricultural and mechanical society organized and
186 operated ~~[pursuant to]~~ **under** sections 262.290 to 262.530;

187 ~~[(22)]~~ **(23)** All sales made to any private not-for-profit elementary or secondary school,
188 all sales of feed additives, medications or vaccines administered to livestock or poultry in the
189 production of food or fiber, all sales of pesticides used in the production of crops, livestock or
190 poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for
191 food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for
192 drying agricultural crops, natural gas used in the primary manufacture or processing of fuel
193 ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible
194 new generation cooperative or an eligible new generation processing entity as defined in section
195 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles
196 and trailers, and any freight charges on any exempt item. As used in this subdivision, the term
197 "feed additives" means tangible personal property which, when mixed with feed for livestock
198 or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the
199 term "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other
200 assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam
201 used to mark the application of pesticides and herbicides for the production of crops, livestock
202 or poultry. As used in this subdivision, the term "farm machinery and equipment" means new
203 or used farm tractors and such other new or used farm machinery and equipment and repair or
204 replacement parts thereon and any accessories for and upgrades to such farm machinery and
205 equipment, rotary mowers used exclusively for agricultural purposes, and supplies and
206 lubricants used exclusively, solely, and directly for producing crops, raising and feeding
207 livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail,
208 including field drain tile, and one-half of each purchaser's purchase of diesel fuel therefor which
209 is:

- 210 (a) Used exclusively for agricultural purposes;
211 (b) Used on land owned or leased for the purpose of producing farm products; and
212 (c) Used directly in producing farm products to be sold ultimately in processed form
213 or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold
214 ultimately in processed form at retail;

215 ~~[(23)]~~ **(24)** Except as otherwise provided in section 144.032, all sales of metered water
216 service, electricity, ~~[electrical current, natural, artificial or propane gas, wood, coal or home~~
217 ~~heating oil]~~ **piped natural or artificial gas, or other fuels delivered by the seller** for domestic
218 use ~~[and in any city not within a county, all sales of metered or unmetered water service for~~
219 ~~domestic use]~~:

- 220 (a) "Domestic use" means that portion of metered water service, electricity, ~~[electrical~~
221 ~~current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not~~
222 ~~within a county, metered or unmetered water service, which]~~ **piped natural or artificial gas,**

223 **or other fuels delivered by the seller that** an individual occupant of a residential premises
224 uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single
225 or master meter for residential apartments or condominiums, including service for common
226 areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall
227 establish and maintain a system whereby individual purchases are determined as exempt or
228 nonexempt;

229 (b) Regulated utility sellers shall determine whether individual purchases are exempt
230 or nonexempt based upon the seller's utility service rate classifications as contained in tariffs
231 on file with and approved by the Missouri public service commission. Sales and purchases
232 made ~~pursuant to~~ **under** the rate classification "residential" and sales to and purchases made
233 by or on behalf of the occupants of residential apartments or condominiums through a single
234 or master meter, including service for common areas and facilities and vacant units, shall be
235 considered as sales made for domestic use and such sales shall be exempt from sales tax.
236 Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use.
237 The seller's utility service rate classification and the provision of service thereunder shall be
238 conclusive as to whether or not the utility must charge sales tax;

239 (c) Each person making domestic use purchases of ~~[services or property and]~~ **metered**
240 **water service, electricity, piped natural or artificial gas, or other fuels delivered by the**
241 **seller** who uses any portion of the services or property so purchased for a nondomestic use shall,
242 by the fifteenth day of the fourth month following the year of purchase, and without assessment,
243 notice or demand, file a return and pay sales tax on that portion of nondomestic purchases.
244 Each person making nondomestic purchases of ~~[services or property and]~~ **metered water**
245 **service, electricity, piped natural or artificial gas, or other fuels delivered by the seller** who
246 uses any portion of the ~~[services or property]~~ **electricity, piped natural or artificial gas, or**
247 **other fuels delivered by the seller** so purchased for domestic use, and each person making
248 domestic purchases on behalf of occupants of residential apartments or condominiums through
249 a single or master meter, including service for common areas and facilities and vacant units,
250 under a nonresidential utility service rate classification may, between the first day of the first
251 month and the fifteenth day of the fourth month following the year of purchase, apply for credit
252 or refund to the director of revenue and the director shall give credit or make refund for taxes
253 paid on the domestic use portion of the purchase. The person making such purchases on behalf
254 of occupants of residential apartments or condominiums shall have standing to apply to the
255 director of revenue for such credit or refund;

256 ~~[(24)]~~ **(25)** All sales of handicraft items made by the seller or the seller's spouse if the
257 seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from
258 such sales do not constitute a majority of the annual gross income of the seller;

259 ~~[(25)]~~ **(26)** Excise taxes, collected on sales at retail, imposed ~~[by]~~ **under 26 U.S.C.**
260 Sections 4041, ~~[4061,]~~ 4071, 4081, ~~[4091,]~~ 4161, 4181, 4251, 4261, and 4271 ~~[of Title 26,~~
261 ~~United States Code]~~. The director of revenue shall promulgate rules ~~[pursuant to]~~ **under**
262 chapter 536 to eliminate all state and local sales taxes on such excise taxes;

263 ~~[(26)]~~ **(27)** Sales of fuel consumed or used in the operation of ships, barges, or
264 waterborne vessels which are used primarily in or for the transportation of property or cargo,
265 or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this
266 state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel
267 while it is afloat upon such river;

268 ~~[(27)]~~ **(28)** All sales made to an interstate compact agency created ~~[pursuant to]~~ **under**
269 sections 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and
270 activities of such agency as provided ~~[pursuant to]~~ **under** the compact;

271 ~~[(28)]~~ **(29)** Computers, computer software and computer security systems purchased for
272 use by architectural or engineering firms headquartered in this state. For the purposes of this
273 subdivision, "headquartered in this state" means the office for the administrative management
274 of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

275 ~~[(29)]~~ **(30)** All livestock sales when either the seller is engaged in the growing,
276 producing or feeding of such livestock, or the seller is engaged in the business of buying and
277 selling, bartering or leasing of such livestock;

278 ~~[(30)]~~ **(31)** All sales of barges which are to be used primarily in the transportation of
279 property or cargo on interstate waterways;

280 ~~[(31)]~~ **(32)** Electrical energy or gas, whether natural, artificial or propane, water, or
281 other utilities which are ultimately consumed in connection with the manufacturing of cellular
282 glass products or in any material recovery processing plant as defined in subdivision ~~[(4)]~~ **(5)**
283 of this subsection;

284 ~~[(32)]~~ **(33)** Notwithstanding other provisions of law to the contrary, all sales of
285 pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

286 ~~[(33)]~~ **(34)** Tangible personal property and utilities purchased for use or consumption
287 directly or exclusively in the research and development of agricultural/biotechnology and plant
288 genomics products and prescription pharmaceuticals consumed by humans or animals;

289 ~~[(34)]~~ **(35)** All sales of grain bins for storage of grain for resale;

290 ~~[(35)]~~ **(36)** All sales of feed which are developed for and used in the feeding of pets
291 owned by a commercial breeder when such sales are made to a commercial breeder, as defined
292 in section 273.325, and licensed ~~[pursuant to]~~ **under** sections 273.325 to 273.357;

293 ~~[(36)]~~ **(37)** All purchases by a contractor on behalf of an entity located in another state,
294 provided that the entity is authorized to issue a certificate of exemption for purchases to a

295 contractor under the provisions of that state's laws. For purposes of this subdivision, the term
296 "certificate of exemption" shall mean any document evidencing that the entity is exempt from
297 sales and use taxes on purchases ~~[pursuant to]~~ **under** the laws of the state in which the entity
298 is located. Any contractor making purchases on behalf of such entity shall maintain a copy of
299 the entity's exemption certificate as evidence of the exemption. If the exemption certificate
300 issued by the exempt entity to the contractor is later determined by the director of revenue to
301 be invalid for any reason ~~[and the contractor has accepted the certificate in good faith]~~, neither
302 the contractor or the exempt entity shall be liable for the payment of any taxes, interest and
303 penalty due as the result of use of the invalid exemption certificate **unless the contractor**
304 **fraudulently accepted the certificate**. Materials shall be exempt from all state and local sales
305 and use taxes when purchased by a contractor for the purpose of fabricating tangible personal
306 property which is used in fulfilling a contract for the purpose of constructing, repairing or
307 remodeling facilities for the following:

308 (a) An exempt entity located in this state, if the entity is one of those entities able to
309 issue project exemption certificates in accordance with the provisions of section 144.062; or

310 (b) An exempt entity located outside the state if the exempt entity is authorized to issue
311 an exemption certificate to contractors in accordance with the provisions of that state's law and
312 the applicable provisions of this section;

313 ~~[(37)]~~ **(38)** All sales or other transfers of tangible personal property to a lessor who
314 leases the property under a lease of one year or longer executed or in effect at the time of the
315 sale or other transfer to an interstate compact agency created ~~[pursuant to]~~ **under** sections
316 70.370 to 70.441 or sections 238.010 to 238.100;

317 ~~[(38)]~~ **(39)** Sales of tickets to any collegiate athletic championship event that is held in
318 a facility owned or operated by a governmental authority or commission, a quasi-governmental
319 agency, a state university or college or by the state or any political subdivision thereof, including
320 a municipality, and that is played on a neutral site and may reasonably be played at a site located
321 outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that
322 is not located on the campus of a conference member institution participating in the event;

323 ~~[(39)]~~ **(40)** All purchases by a sports complex authority created under section 64.920,
324 and all sales of utilities by such authority at the authority's cost that are consumed in connection
325 with the operation of a sports complex leased to a professional sports team;

326 ~~[(40)]~~ **(41)** All materials, replacement parts, and equipment purchased for use directly
327 upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power
328 plants, and aircraft accessories;

329 ~~[(41)]~~ **(42)** Sales of sporting clays, wobble, skeet, and trap targets to any shooting range
330 or similar places of business for use in the normal course of business and money received by

331 a shooting range or similar places of business from patrons and held by a shooting range or
332 similar place of business for redistribution to patrons at the conclusion of a shooting event;

333 ~~[(42)]~~ **(43)** All sales of motor fuel, as defined in section 142.800, used in any watercraft,
334 as defined in section 306.010;

335 ~~[(43)]~~ **(44)** Any new or used aircraft sold or delivered in this state to a person who is
336 not a resident of this state or a corporation that is not incorporated in this state, and such aircraft
337 is not to be based in this state and shall not remain in this state more than ten business days
338 subsequent to the last to occur of:

339 (a) The transfer of title to the aircraft to a person who is not a resident of this state or
340 a corporation that is not incorporated in this state; or

341 (b) The date of the return to service of the aircraft in accordance with 14 CFR 91.407
342 for any maintenance, preventive maintenance, rebuilding, alterations, repairs, or installations
343 that are completed contemporaneously with the transfer of title to the aircraft to a person who
344 is not a resident of this state or a corporation that is not incorporated in this state;

345 ~~[(44)]~~ **(45)** Motor vehicles registered in excess of fifty-four thousand pounds, and the
346 trailers pulled by such motor vehicles, that are actually used in the normal course of business
347 to haul property on the public highways of the state, and that are capable of hauling loads
348 commensurate with the motor vehicle's registered weight; and the materials, replacement parts,
349 and equipment purchased for use directly upon, and for the repair and maintenance or
350 manufacture of such vehicles. For purposes of this subdivision, "motor vehicle" and "public
351 highway" shall have the meaning as ascribed in section 390.020;

352 ~~[(45)]~~ **(46)** All internet access or the use of internet access regardless of whether the tax
353 is imposed on a provider of internet access or a buyer of internet access. For purposes of this
354 subdivision, the following terms shall mean:

355 (a) "Direct costs", costs incurred by a governmental authority solely because of an
356 internet service provider's use of the public right-of-way. The term shall not include costs that
357 the governmental authority would have incurred if the internet service provider did not make
358 such use of the public right-of-way. Direct costs shall be determined in a manner consistent
359 with generally accepted accounting principles;

360 (b) "Internet", computer and telecommunications facilities, including equipment and
361 operating software, that comprises the interconnected worldwide network that employ the
362 transmission control protocol or internet protocol, or any predecessor or successor protocols to
363 that protocol, to communicate information of all kinds by wire or radio;

364 (c) "Internet access", a service that enables users to connect to the internet to access
365 content, information, or other services without regard to whether the service is referred to as
366 telecommunications, communications, transmission, or similar services, and without regard to

367 whether a provider of the service is subject to regulation by the Federal Communications
368 Commission as a common carrier under 47 U.S.C. Section 201, et seq. For purposes of this
369 subdivision, internet access also includes: the purchase, use, or sale of communications services,
370 including telecommunications services as defined in section 144.010, to the extent the
371 communications services are purchased, used, or sold to provide the service described in this
372 subdivision or to otherwise enable users to access content, information, or other services offered
373 over the internet; services that are incidental to the provision of a service described in this
374 subdivision, when furnished to users as part of such service, including a home page, electronic
375 mail, and instant messaging, including voice-capable and video-capable electronic mail and
376 instant messaging, video clips, and personal electronic storage capacity; a home page electronic
377 mail and instant messaging, including voice-capable and video-capable electronic mail and
378 instant messaging, video clips, and personal electronic storage capacity that are provided
379 independently or that are not packed with internet access. As used in this subdivision, internet
380 access does not include voice, audio, and video programming or other products and services,
381 except services described in this paragraph or this subdivision, that use internet protocol or any
382 successor protocol and for which there is a charge, regardless of whether the charge is separately
383 stated or aggregated with the charge for services described in this paragraph or this subdivision;

384 (d) "Tax", any charge imposed by the state or a political subdivision of the state for the
385 purpose of generating revenues for governmental purposes and that is not a fee imposed for a
386 specific privilege, service, or benefit conferred, except as described as otherwise under this
387 subdivision, or any obligation imposed on a seller to collect and to remit to the state or a
388 political subdivision of the state any gross retail tax, sales tax, or use tax imposed on a buyer
389 by such a governmental entity. The term tax shall not include any franchise fee or similar fee
390 imposed or authorized under ~~[section 67.1830]~~ **sections 67.1830 to 67.1846** or **section 67.2689**;
391 Section 622 or 653 of the Communications Act of 1934, 47 U.S.C. Section 542 and 47 U.S.C.
392 Section 573; or any other fee related to obligations of telecommunications carriers under the
393 Communications Act of 1934, 47 U.S.C. Section 151, et seq., except to the extent that:

394 a. The fee is not imposed for the purpose of recovering direct costs incurred by the
395 franchising or other governmental authority from providing the specific privilege, service, or
396 benefit conferred to the payer of the fee; or

397 b. The fee is imposed for the use of a public right-of-way based on a percentage of the
398 service revenue, and the fee exceeds the incremental direct costs incurred by the governmental
399 authority associated with the provision of that right-of-way to the provider of internet access
400 service.

401

402 Nothing in this subdivision shall be interpreted as an exemption from taxes due on goods or
 403 services that were subject to tax on January 1, 2016;

404 **(47) All school instructional materials; and**

405 **(48) Usual and customary delivery charges that are stated separately from the sale**
 406 **price.**

407 3. Any ruling, agreement, or contract, whether written or oral, express or implied,
 408 between a person and this state's executive branch, or any other state agency or department,
 409 stating, agreeing, or ruling that such person is not required to collect sales and use tax in this
 410 state despite the presence of a warehouse, distribution center, or fulfillment center in this state
 411 that is owned or operated by the person or an affiliated person shall be null and void unless it
 412 is specifically approved by a majority vote of each of the houses of the general assembly. For
 413 purposes of this subsection, an "affiliated person" means any person that is a member of the
 414 same controlled group of corporations as defined in Section 1563(a) of the Internal Revenue
 415 Code of 1986, as amended, as the vendor or any other entity that, notwithstanding its form of
 416 organization, bears the same ownership relationship to the vendor as a corporation that is a
 417 member of the same controlled group of corporations as defined in Section 1563(a) of the
 418 Internal Revenue Code, as amended.

144.032. The provisions of section 144.030 to the contrary notwithstanding, any city
 2 imposing a sales tax under the provisions of sections 94.500 to 94.570, or any county imposing
 3 a sales tax under the provisions of sections 66.600 to 66.635, or any county imposing a sales
 4 tax under the provisions of sections 67.500 to 67.729, or any hospital district imposing a sales
 5 tax under the provisions of section 205.205 may by ordinance impose a sales tax upon all sales
 6 of ~~[metered water services,] electricity, [electrical current and natural, artificial or propane gas,~~
 7 ~~wood, coal, or home heating oil]~~ **piped natural or artificial gas, or other fuels delivered by**
 8 **the seller** for domestic use only. Such tax shall be administered by the department of revenue
 9 and assessed by the retailer in the same manner as any other city, county, or hospital district
 10 sales tax. Domestic use shall be determined in the same manner as the determination of
 11 domestic use for exemption of such sales from the state sales tax under the provisions of section
 12 144.030.

144.049. 1. ~~[For purposes of this section, the following terms mean:~~

2 ~~— (1) "Clothing", any article of wearing apparel, including footwear, intended to be worn~~
 3 ~~on or about the human body. The term shall include but not be limited to cloth and other~~
 4 ~~material used to make school uniforms or other school clothing. Items normally sold in pairs~~
 5 ~~shall not be separated to qualify for the exemption. The term shall not include watches,~~
 6 ~~watchbands, jewelry, handbags, handkerchiefs, umbrellas, scarves, ties, headbands, or belt~~
 7 ~~buckles; and~~

8 ~~————(2) "Personal computers", a laptop, desktop, or tower computer system which consists~~
9 ~~of a central processing unit, random access memory, a storage drive, a display monitor, and a~~
10 ~~keyboard and devices designed for use in conjunction with a personal computer, such as a disk~~
11 ~~drive, memory module, compact disk drive, daughterboard, digitizer, microphone, modem,~~
12 ~~motherboard, mouse, multimedia speaker, printer, scanner, single-user hardware, single-user~~
13 ~~operating system, soundcard, or video card;~~

14 ~~————(3) "School supplies", any item normally used by students in a standard classroom for~~
15 ~~educational purposes, including but not limited to textbooks, notebooks, paper, writing~~
16 ~~instruments, crayons, art supplies, rulers, book bags, backpacks, handheld calculators, chalk,~~
17 ~~maps, and globes. The term shall not include watches, radios, CD players, headphones, sporting~~
18 ~~equipment, portable or desktop telephones, copiers or other office equipment, furniture, or~~
19 ~~fixtures. School supplies shall also include computer software having a taxable value of three~~
20 ~~hundred fifty dollars or less and any graphing calculator having a taxable value of one hundred~~
21 ~~fifty dollars or less.~~

22 ~~————2.] In each year beginning on or after January 1, 2005, there is hereby specifically~~
23 ~~exempted from state **and local** sales tax law all retail sales of any article of clothing having a~~
24 ~~taxable value of one hundred dollars or less[;] ; all retail sales of school supplies, **school art**~~
25 ~~**supplies, and school instructional materials** [not to exceed fifty dollars per purchase,] ; all~~
26 ~~**prewritten** computer software with a taxable value of three hundred fifty dollars or less[; all~~
27 ~~graphing calculators having a taxable value of one hundred fifty dollars or less,] ; and all retail~~
28 ~~sales of [personal] computers [or computer peripheral devices] **and school computer supplies**~~
29 ~~not to exceed one thousand five hundred dollars **per item**, during a three-day period beginning~~
30 ~~at 12:01 a.m. on the first Friday in August and ending at midnight on the Sunday following.~~
31 ~~**Where a purchaser and seller are located in two different time zones, the time zone of the**~~
32 ~~**seller's location shall determine the authorized exemption period.**~~

33 ~~[3. If the governing body of any political subdivision adopted an ordinance that applied~~
34 ~~to the 2004 sales tax holiday to prohibit the provisions of this section from allowing the sales~~
35 ~~tax holiday to apply to such political subdivision's local sales tax, then, notwithstanding any~~
36 ~~provision of a local ordinance to the contrary, the 2005 sales tax holiday shall not apply to such~~
37 ~~political subdivision's local sales tax. However, any such political subdivision may enact an~~
38 ~~ordinance to allow the 2005 sales tax holiday to apply to its local sales taxes. A political~~
39 ~~subdivision must notify the department of revenue not less than forty-five calendar days prior~~
40 ~~to the beginning date of the sales tax holiday occurring in that year of any ordinance or order~~
41 ~~rescinding an ordinance or order to opt out.~~

42 ~~————4.] 2. This section shall not apply to any sales which take place within the Missouri~~
43 ~~state fairgrounds.~~

44 ~~[5-]~~ **3.** This section applies to sales of items bought for personal use only.

45 ~~[6. After the 2005 sales tax holiday, any political subdivision may, by adopting an~~
46 ~~ordinance or order, choose to prohibit future annual sales tax holidays from applying to its local~~
47 ~~sales tax. After opting out, the political subdivision may rescind the ordinance or order. The~~
48 ~~political subdivision must notify the department of revenue not less than forty-five calendar~~
49 ~~days prior to the beginning date of the sales tax holiday occurring in that year of any ordinance~~
50 ~~or order rescinding an ordinance or order to opt out.~~

51 ~~———7-]~~ **4.** This section may not apply to any retailer when less than two percent of the
52 retailer's merchandise offered for sale qualifies for the sales tax holiday. The retailer ~~[shall]~~
53 **may** offer a sales tax refund in lieu of the sales tax holiday.

54 **5. A sale of property which is eligible for an exemption under subsection 1 of this**
55 **section but is purchased under a layaway sale shall only qualify for an exemption if:**

56 **(1) Final payment on a layaway order is made by, and the property is given to, the**
57 **purchaser during the exemption period; or**

58 **(2) The purchaser selects the property and the seller accepts the order for the**
59 **property during the exemption period, for immediate delivery upon full payment, even**
60 **if delivery is made after the exemption period.**

61 **6. The exemption of a bundled transaction shall be calculated as provided by law**
62 **for all other bundled transactions.**

63 **7. (1) For any discount offered by a seller that is a reduction of the sales price of**
64 **the product, the discounted sales price shall determine whether the sales price falls below**
65 **the price threshold provided in subsection 1 of this section. A coupon that reduces the**
66 **sales price shall be treated as a discount only if the seller is not reimbursed for the coupon**
67 **amount by a third party.**

68 **(2) If a discount applies to the total amount paid by a purchaser rather than to the**
69 **sales price of a particular product and the purchaser has purchased both exempt property**
70 **and taxable property, the seller shall allocate the discount based on the total sales prices**
71 **of the taxable property compared to the total sales prices of all property sold in the same**
72 **transaction.**

73 **8. Items that are normally sold as a single unit shall continue to be sold in that**
74 **manner and shall not be priced separately and sold as individual items.**

75 **9. Items that are purchased during an exemption period but that are not delivered**
76 **to the purchaser until after the exemption period due to the item not being in stock shall**
77 **qualify for an exemption. The provisions of this subsection shall not apply to an item that**
78 **was delivered during an exemption period but was purchased prior to or after the**
79 **exemption period.**

80 **10. (1) If a purchaser purchases an item of eligible property during an exemption**
81 **period but later exchanges the item for a similar eligible item after the exemption period,**
82 **no additional tax shall be due on the new item.**

83 **(2) If a purchaser purchases an item of eligible property during an exemption**
84 **period but later returns the item after the exemption period and receives credit on the**
85 **purchase of a different nonexempt item, the appropriate sales tax shall be due on the sale**
86 **of the newly purchased item.**

87 **(3) If a purchaser purchases an item of eligible property before an exemption**
88 **period but during the exemption period returns the item and receives credit on the**
89 **purchase of a different item of eligible property, no sales tax shall be due on the sale of the**
90 **new item if the new item is purchased during the exemption period.**

91 **(4) For a sixty-day period immediately following the end of the exemption period,**
92 **if a purchaser returns an exempt item, no credit for or refund of sales tax shall be given**
93 **unless the purchaser provides a receipt or invoice that shows tax was paid or the seller has**
94 **sufficient documentation to show that tax was paid on the item being returned.**

95 **11. For items that require delivery, an item shall be considered exempt if:**

96 **(1) The item is both delivered to and paid for by the purchaser during the**
97 **exemption period; or**

98 **(2) The purchaser orders and pays for the item and the seller accepts the order**
99 **during the exemption period for immediate shipment, even if delivery is made after the**
100 **exemption period. For the purposes of this subdivision, a seller shall be considered to**
101 **have accepted an order when the seller has taken action to fill the order for immediate**
102 **shipment. Actions to fill an order shall include placement of an "in date" stamp on a mail**
103 **order or the assignment of an "order number" to a telephone order. An order shall be**
104 **considered for immediate shipment when the purchaser does not request delayed**
105 **shipment. An order shall be considered for immediate shipment notwithstanding a**
106 **shipment that may be delayed because of a backlog of orders or because an item is**
107 **currently unavailable or on back order.**

144.054. 1. As used in this section, the following terms mean:

2 (1) "Processing", any mode of treatment, act, or series of acts performed upon materials
3 to transform or reduce them to a different state or thing, including treatment necessary to
4 maintain or preserve such processing by the producer at the production facility;

5 (2) "Producing" includes, but is not limited to, the production of, including the
6 production and transmission of, telecommunication services;

7 (3) "Product" includes, but is not limited to, telecommunications services;

8 (4) "Recovered materials", those materials which have been diverted or removed from
9 the solid waste stream for sale, use, reuse, or recycling, whether or not they require subsequent
10 separation and processing.

11 2. In addition to all other exemptions granted under this chapter, there is hereby
12 specifically exempted from the provisions of [~~sections 144.010 to 144.525 and 144.600 to~~
13 ~~144.761, and from the computation of the tax levied, assessed, or payable under sections~~
14 ~~144.010 to 144.525 and 144.600 to 144.761,]~~ **this chapter and from the computation of the**
15 **tax levied, assessed, or payable under this chapter** electrical energy and gas, whether natural,
16 artificial, or propane, water, coal, and energy sources, chemicals, machinery, equipment, and
17 materials used or consumed in the manufacturing, processing, compounding, mining, or
18 producing of any product, or used or consumed in the processing of recovered materials, or used
19 in research and development related to manufacturing, processing, compounding, mining, or
20 producing any product. [~~The exemptions granted in this subsection shall not apply to local sales~~
21 ~~taxes as defined in section 32.085 and the provisions of this subsection shall be in addition to~~
22 ~~any state and local sales tax exemption provided in section 144.030.] The construction and
23 application of this subsection as expressed by the Missouri supreme court in *DST Systems, Inc.*
24 *v. Director of Revenue*, 43 S.W.3d 799 (Mo. banc 2001); *Southwestern Bell Tel. Co. v. Director*
25 *of Revenue*, 78 S.W.3d 763 (Mo. banc 2002); and *Southwestern Bell Tel. Co. v. Director of*
26 *Revenue*, 182 S.W.3d 226 (Mo. banc 2005), is hereby affirmed.~~

27 3. In addition to all other exemptions granted under this chapter, there is hereby
28 specifically exempted from the provisions of [~~sections 144.010 to 144.525 and 144.600 to~~
29 ~~144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from~~
30 ~~the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and~~
31 ~~144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section~~
32 ~~32.085,]~~ **this chapter and from the computation of the tax levied, assessed, or payable**
33 **under this chapter** all utilities, machinery, and equipment used or consumed directly in
34 television or radio broadcasting and all sales and purchases of tangible personal property,
35 utilities, services, or any other transaction that would otherwise be subject to the state or local
36 sales or use tax when such sales are made to or purchases are made by a contractor for use in
37 fulfillment of any obligation under a defense contract with the United States government, and
38 all sales and leases of tangible personal property by any county, city, incorporated town, or
39 village, provided such sale or lease is authorized under chapter 100, and such transaction is
40 certified for sales tax exemption by the department of economic development, and tangible
41 personal property used for railroad infrastructure brought into this state for processing,
42 fabrication, or other modification for use outside the state in the regular course of business.

43 4. In addition to all other exemptions granted under this chapter, there is hereby
44 specifically exempted from the provisions of [~~sections 144.010 to 144.525 and 144.600 to~~
45 ~~144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from~~
46 ~~the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and~~
47 ~~144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section~~
48 ~~32.085,] **this chapter and from the computation of the tax levied, assessed, or payable**
49 **under this chapter** all sales and purchases of tangible personal property, utilities, services, or
50 any other transaction that would otherwise be subject to the state or local sales or use tax when
51 such sales are made to or purchases are made by a private partner for use in completing a project
52 under sections 227.600 to 227.669.~~

53 5. In addition to all other exemptions granted under this chapter, there is hereby
54 specifically exempted from the provisions of [~~sections 144.010 to 144.525 and 144.600 to~~
55 ~~144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from~~
56 ~~the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and~~
57 ~~144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section~~
58 ~~32.085,] **this chapter and from the computation of the tax levied, assessed, or payable**
59 **under this chapter**, all materials, manufactured goods, machinery and parts, electrical energy
60 and gas, whether natural, artificial or propane, water, coal and other energy sources, chemicals,
61 soaps, detergents, cleaning and sanitizing agents, and other ingredients and materials inserted
62 by commercial or industrial laundries to treat, clean, and sanitize textiles in facilities which
63 process at least five hundred pounds of textiles per hour and at least sixty thousand pounds per
64 week.~~

144.060. 1. It shall be the duty of every person making any purchase or receiving any
2 service upon which a tax is imposed by sections 144.010 to 144.510 to pay, to the extent
3 possible under the provisions of section 144.285, the amount of such tax to the person making
4 such sale or rendering such service. Any person who shall willfully and intentionally refuse to
5 pay such tax shall be guilty of a misdemeanor. The provisions of this section shall not apply
6 to any person making any purchase or sale of a motor vehicle subject to sales tax as provided
7 by the Missouri sales tax law, unless such person making the sale is a motor vehicle dealer
8 authorized to collect and remit sales tax [~~pursuant to~~] **under** subsection 8 of section 144.070.

9 **2. A purchaser shall be relieved from any additional tax, interest, additions, or**
10 **penalties for failure to collect and remit the proper amount of tax owed on a purchase**
11 **subject to tax under this chapter if:**

12 **(1) A purchaser's seller or a certified service provider relied on erroneous data**
13 **provided by the director on tax rates, boundaries, taxing jurisdiction assignments, or in**
14 **the taxability matrix created under section 144.124;**

15 **(2) A purchaser holding a direct pay permit created under section 144.079 relied**
16 **on erroneous data provided by the director on tax rates, boundaries, taxing jurisdiction**
17 **assignments, or in the taxability matrix created under section 144.124;**

18 **(3) A purchaser using a database created under section 144.123 received erroneous**
19 **data provided by the director on tax rates, boundaries, or taxing jurisdiction assignments;**
20 **or**

21 **(4) A purchaser relied on erroneous data provided by the director in the taxability**
22 **matrix created under section 144.124.**

144.079. 1. The provisions of section 144.080 notwithstanding, the director shall
2 **promulgate rules to allow for the issuance of direct pay permits to purchasers. Purchasers**
3 **holding such a permit shall be permitted to purchase goods and services which are subject**
4 **to sales tax under this chapter without remitting payment of the tax to the seller at the**
5 **time of purchase. Such purchaser shall make a determination of the amount of tax owed**
6 **and shall report and remit such amount directly to the taxing jurisdiction.**

7 **2. The director shall promulgate rules to implement the provisions of this section.**
8 **Such rules shall include an application process for the issuance of a permit created under**
9 **this section. Any rule or portion of a rule, as that term is defined in section 536.010, that**
10 **is created under the authority delegated in this section shall become effective only if it**
11 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
12 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**
13 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
14 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
15 **grant of rulemaking authority and any rule proposed or adopted after January 1, 2020,**
16 **shall be invalid and void.**

144.080. 1. Every person receiving any payment or consideration upon the sale of
2 **property or rendering of service, subject to the tax imposed [by the provisions of sections**
3 **144.010 to 144.525] under this chapter, is exercising the taxable privilege of selling the**
4 **property or rendering the service at retail and is subject to the tax levied in section 144.020. The**
5 **person shall be responsible not only for the collection of the amount of the tax imposed on the**
6 **sale or service to the extent possible under the provisions of section 144.285, but shall, on or**
7 **before the last day of the month following each calendar quarterly period of three months, file**
8 **a return with the director of revenue showing the person's gross receipts and the amount of tax**
9 **levied in section 144.020 for the preceding quarter, and shall remit to the director of revenue,**
10 **with the return, the taxes levied in section 144.020, except as provided in [subsections]**
11 **subsection 2 [and 3] of this section. The director of revenue may promulgate rules or**

12 regulations changing the filing and payment requirements of sellers, but shall not require any
13 seller to file and pay more frequently than required in this section.

14 2. ~~[Where the aggregate amount levied and imposed upon a seller by section 144.020~~
15 ~~is in excess of two hundred fifty dollars for either the first or second month of a calendar~~
16 ~~quarter, the seller shall file a return and pay such aggregate amount for such months to the~~
17 ~~director of revenue by the twentieth day of the succeeding month.~~

18 ~~———3.]~~ Where the aggregate amount levied and imposed upon a seller by section 144.020
19 is less than forty-five dollars in a calendar quarter, the director of revenue shall by regulation
20 permit the seller to file a return for a calendar year. The return shall be filed and the taxes paid
21 on or before January thirty-first of the succeeding year.

22 ~~[4.]~~ **3.** The seller of any property or **any** person rendering any service, subject to the
23 tax imposed ~~[by sections 144.010 to 144.525]~~ **under this chapter**, shall collect the tax from the
24 purchaser of such property or the recipient of the service to the extent possible under the
25 provisions of section 144.285, but the seller's inability to collect any part or all of the tax does
26 not relieve the seller of the obligation to pay to the state the tax imposed ~~[by]~~ **under** section
27 144.020; except that the collection of the tax imposed ~~[by sections 144.010 to 144.525]~~ **under**
28 **this chapter** on motor vehicles and trailers shall be made as provided ~~[in]~~ **under** sections
29 144.070 and 144.440.

30 ~~[5.]~~ **4.** Any person may advertise or hold out or state to the public or to any customer
31 directly that the tax or any part thereof imposed ~~[by sections 144.010 to 144.525]~~ **under this**
32 **chapter**, and required to be collected by the person, will be assumed or absorbed by the person,
33 provided that the amount of tax assumed or absorbed shall be stated on any invoice or receipt
34 for the property sold or service rendered. Any person violating any of the provisions of this
35 section shall be guilty of a misdemeanor. This subsection shall not apply to any retailer
36 prohibited from collecting and remitting sales tax under section 66.630.

144.082. 1. The director of revenue shall participate in an online registration
2 **system that allows sellers to register in this state and other member states.**

3 **2. By registering, the seller agrees to collect and remit sales and use taxes for all**
4 **taxable sales in this state as well as the other member states, including member states**
5 **joining after the seller's registration. Withdrawal or revocation of this state from the**
6 **agreement shall not relieve a seller of its responsibility to remit taxes previously or**
7 **subsequently collected on behalf of this state.**

8 **3. If the seller has a requirement to register prior to registering under the**
9 **agreement, such seller shall obtain a retail sales license under section 144.083 and register**
10 **under section 144.650.**

11 **4. Registration with the central registration system and the collection of sales and**
12 **use taxes in this state shall not be used as a factor in determining whether the seller has**
13 **nexus with this state for any tax at any time.**

14 144.083. 1. The director of revenue shall require all persons who are responsible for
15 the collection of taxes under the provisions of section 144.080 to procure a retail sales license
16 at no cost to the licensee which shall be prominently displayed at the licensee's place of
17 business, and the license is valid until revoked by the director or surrendered by the person to
18 whom issued when sales are discontinued. The director shall issue the retail sales license within
19 ten working days following the receipt of a properly completed application. Any person
20 applying for a retail sales license or reinstatement of a revoked sales tax license who owes any
21 tax under sections 144.010 to 144.510 or sections 143.191 to 143.261 must pay the amount due
22 plus interest and penalties before the department may issue the applicant a license or reinstate
23 the revoked license. All persons beginning business subsequent to August 13, 1986, and who
24 are required to collect the sales tax shall secure a retail sales license prior to making sales at
25 retail. Such license may, after ten days' notice, be revoked by the director of revenue only in
26 the event the licensee shall be in default for a period of sixty days in the payment of any taxes
27 levied under section 144.020 or sections 143.191 to 143.261. Notwithstanding the provisions
28 of section 32.057 in the event of revocation, the director of revenue may publish the status of
29 the business account including the date of revocation in a manner as determined by the director.

30 2. The possession of a retail sales license and a statement from the department of
31 revenue that the licensee owes no tax due under sections 144.010 to 144.510 or sections
32 143.191 to 143.261 shall be a prerequisite to the issuance or renewal of any city or county
33 occupation license or any state license which is required for conducting any business where
goods are sold at retail. The date of issuance on the statement that the licensee owes no tax due
shall be no more than ninety days before the date of submission for application or renewal of
the local license. The revocation of a retailer's license by the director shall render the
occupational license or the state license null and void.

 3. No person responsible for the collection of taxes under section 144.080 shall make
sales at retail unless such person is the holder of a valid retail sales license. After all appeals
have been exhausted, the director of revenue may notify the county or city law enforcement
agency representing the area in which the former licensee's business is located that the retail
sales license of such person has been revoked, and that any county or city occupation license
of such person is also revoked. The county or city may enforce the provisions of this section,
and may prohibit further sales at retail by such person.

 4. In addition to the provisions of subsection 2 of this section, beginning January 1,
2009, the possession of a statement from the department of revenue stating no tax is due under

34 sections 143.191 to 143.265 or sections 144.010 to 144.510 shall also be a prerequisite to the
35 issuance or renewal of any city or county occupation license or any state license required for
36 conducting any business where goods are sold at retail. The statement of no tax due shall be
37 dated no longer than ninety days before the date of submission for application or renewal of the
38 city or county license.

39 ~~[5. Notwithstanding any law or rule to the contrary, sales tax shall only apply to the sale~~
40 ~~price paid by the final purchaser and not to any off-invoice discounts or other pricing discounts~~
41 ~~or mechanisms negotiated between manufacturers, wholesalers, and retailers.]~~

**144.084. 1. The director of revenue shall promulgate rules and regulations for
2 remittance of returns. Such rules shall:**

3 **(1) Allow for electronic payments by all remitters by both automated**
4 **clearinghouse credit and automated clearinghouse debit;**

5 **(2) Provide an alternative method for making "same day" payments if an**
6 **electronic funds transfer fails;**

7 **(3) Provide that if a due date falls on a legal banking holiday in the state, the taxes**
8 **shall be due on the next succeeding business day; and**

9 **(4) Require that any data that accompanies a remittance be formatted using**
10 **uniform tax type and payment type codes approved by the streamlined sales and use tax**
11 **governing board.**

12 **2. All model 1 sellers, model 2 sellers, and model 3 sellers shall file returns**
13 **electronically. Any model 1 seller, model 2 seller, or model 3 seller shall submit its sales**
14 **and use tax returns in a simplified format approved by the director of revenue at such**
15 **times as may be prescribed by the director.**

16 **3. (1) The director shall make available to all sellers, regardless of whether a seller**
17 **is registered under the streamlined sales and use tax agreement, a simplified electronic**
18 **return that is in a form approved by the streamlined sales and use tax governing board**
19 **and contains only those fields approved by the governing board. Such simplified**
20 **electronic return shall consist of two parts, with part one containing information relating**
21 **to remittances and allocations and part two containing information relating to exempt**
22 **sales.**

23 **(2) The director shall not require the submission of part two information from a**
24 **model 4 seller that has no legal requirement to register in the state.**

25 **4. (1) Certified service providers shall file a simplified electronic return on behalf**
26 **of its model 1 sellers and shall be required to file part one of the simplified electronic**
27 **return at the times provided in sections 144.080 and 144.090. The director shall allow**
28 **model 1 sellers to file parts one and two of the simplified electronic return.**

29 **(2) Model 2 and model 3 sellers shall file a simplified electronic return at the times**
30 **provided in sections 144.080 and 144.090 for each taxing period for which they anticipate**
31 **making sales in the state. Such sellers shall file part two information:**

32 **(a) At the same time as the seller files part one information; or**

33 **(b) At the time of the final due date of part one information in a given calendar**
34 **year. A submission under this paragraph shall include data for all previous months of the**
35 **same calendar year and shall be presented as yearly totals.**

36 **(3) The director shall allow model 4 sellers to file a simplified electronic return at**
37 **the times provided in sections 144.080 and 144.090. Such sellers shall file part two**
38 **information:**

39 **(a) At the same time as the seller files part one information; or**

40 **(b) At the time of the final due date of part one information in a given calendar**
41 **year. A submission under this paragraph shall include data for all previous months of the**
42 **same calendar year and shall be presented as yearly totals.**

43 **(4) Model 4 sellers that elect not to file a simplified electronic return shall file**
44 **returns in the form and at the times afforded to sellers not registered under the**
45 **streamlined sales and use tax agreement.**

46 **(5) The director shall allow sellers not registered under the streamlined sales and**
47 **use tax agreement that are registered in the state to file a simplified electronic return at**
48 **the times provided in sections 144.080 and 144.090. Such sellers shall file part two**
49 **information:**

50 **(a) At the same time as the seller files part one information; or**

51 **(b) At the time of the final due date of part one information in a given calendar**
52 **year. A submission under this paragraph shall include data for all previous months of the**
53 **same calendar year and shall be presented as yearly totals.**

54 **5. A seller that is registered under the streamlined sales and use tax agreement and**
55 **has indicated at the time of registration that it anticipates making no sales which would**
56 **be sourced to the state under the streamlined sales and use tax agreement shall not be**
57 **required to file a return. A seller shall be disqualified for such exemption for any quarter**
58 **in which the seller makes any taxable sales in the state and shall file a return for such**
59 **quarter as provided in sections 144.080 and 144.090.**

60 **6. The director shall provide for a standardized transmission process that allows**
61 **for receipt of uniform tax returns and other formatted information. The process shall**
62 **provide for the filing of separate returns for multiple legal entities in a single transmission**
63 **and shall not include any requirement for manual entry or input by a seller. The process**
64 **shall allow a certified service provider, a tax preparer, or any other authorized entity to**

65 do so, to file returns for more than one seller in a single transmission. However, sellers
66 filing returns for multiple legal entities shall only do so for affiliated legal entities.

67 7. The director shall give notice to a seller registered under the streamlined sales
68 and use tax agreement which has no legal requirement to register in the state of a failure
69 to file a return and shall provide such seller at least thirty days following such notice to
70 file a return prior to holding the seller liable for any penalties based on a failure to file a
71 timely return.

144.100. 1. Every person making any taxable sales of property or service, except
2 transactions provided for in sections 144.070 and 144.440, individually or by duly authorized
3 officer or agent, shall make and file a written return with the director of revenue in such manner
4 as he may prescribe.

5 2. The returns shall be on blanks designed and furnished by the director of [the
6 department of] revenue and shall be filed at the times provided in sections 144.080 and 144.090.
7 The returns shall [~~show the amount of gross receipts from sales of taxable property and services~~
8 ~~by the person and the amount of tax due thereon by that person during and for the period~~
9 ~~covered by the return]~~ state:

10 (1) The name and address of the retailer;

11 (2) The total amount of gross sales of all tangible personal property and taxable
12 services rendered by the retailer during the period for which the return is made;

13 (3) The total amount received during the period for which the return is made on
14 charges and time sales of tangible personal property made and taxable services rendered
15 prior to the period for which the return is made;

16 (4) Deductions allowed by law from the total amount of gross sales and from the
17 total amount received during the period for which the return is made on the charges and
18 time sales;

19 (5) Receipts during the period for which the return is made from the total amount
20 of sales of tangible personal property and taxable services rendered during such period
21 in the course of such business, after deductions allowed by law have been made;

22 (6) Receipts during the period for which the return is made from charge and time
23 sales of tangible personal property made and taxable services rendered prior to such
24 period in the course of such business, after deductions allowed by law have been made;

25 (7) Gross receipts during the period for which the return is made from sales of
26 tangible personal property and taxable services rendered in the course of such business
27 upon the basis of which the tax is imposed; and

28 (8) Any other pertinent information as the director may require.

29 **3. In making a return, the retailer shall determine the market value of any**
30 **consideration, other than moneys, received in connection with the sale of any tangible**
31 **personal property in the course of the business and shall include such valuation in the**
32 **return. The valuation shall be subject to review and revision by the director of revenue**
33 **as hereinafter provided. Refunds made by a retailer during the period for which the**
34 **return is made on account of tangible personal property returned to the retailer shall be**
35 **allowed as a deduction under subdivision (4) of subsection 2 of this section in case the**
36 **retailer has included the receipts from such sale in a return made by such retailer and**
37 **paid taxes on such sale. The retailer shall, at the time of making a return, pay to the**
38 **director the amount of tax owed, except as otherwise provided in this section. The**
39 **director may extend the time for making returns and paying the tax required by this**
40 **section for any period not to exceed sixty days under any rules and regulations as the**
41 **director may prescribe.**

42 **4. The director of revenue shall only require a single tax return for each taxing**
43 **period, and such return shall include only the taxing jurisdictions in which the seller**
44 **makes sales within the state.** With each return, the person shall remit to the director of
45 revenue the full amount of the tax due.

46 ~~[3-]~~ **5.** In case of charge and time sales the gross receipts thereof shall be included as
47 sales in the returns as and when payments are received by the person, without any deduction
48 therefrom whatsoever.

49 ~~[4-]~~ **6.** If an error or omission is discovered in a return or a change be necessary to show
50 the true facts, the error may be corrected, the omission supplied, or the change made in the
51 return next filed with the director for the filing period immediately following the filing period
52 in which the error was made or the omission occurred, as prescribed by law, except that no
53 refund under this chapter shall be allowed for any amount of tax paid by a seller which is based
54 upon charges incident to credit card discounts. Any other omission or error must be corrected
55 by filing an amended return for the erroneously reported period if the amount of tax is less than
56 that originally reported, or an additional return if the amount of tax is greater than that originally
57 reported. An additional return shall be deemed filed on the date the envelope in which it is
58 mailed is postmarked or the date it is received by the director, whichever is earlier. Any
59 payment of tax, interest, penalty or additions to tax shall be deemed filed on the date the
60 envelope containing the payment is postmarked or the date the payment is received by the
61 director, whichever is earlier. If a refund or credit results from the filing of an amended return,
62 no refund or credit shall be allowed unless an application for refund or credit is properly
63 completed and submitted to the director ~~[pursuant to]~~ **under** section 144.190.

64 ~~5.]~~ 7. The amount of gross receipts from sales and the amount of tax due returned by
65 the person, as well as all matters contained in the return, is subject to review and revision in the
66 manner herein provided for the correction of the returns.

**144.105. 1. A seller shall be allowed a deduction from taxable sales for bad debts
2 attributable to taxable sales of such seller that have become uncollectable. Any deduction
3 taken that is attributed to bad debts shall not include interest.**

4 **2. The amount of the bad debt deduction shall be calculated under 26 U.S.C.
5 Section 166(b), except that such amount shall be adjusted to exclude financing charges or
6 interest, sales or use taxes charged on the purchase price, uncollectable amounts on
7 property that remain in the possession of the seller until the full purchase price is paid,
8 and expenses incurred in attempting to collect any debt or repossessed property.**

9 **3. Bad debts may be deducted on the return for the period during which the bad
10 debt is written off as uncollectable in the seller's books and records and is eligible to be
11 deducted for federal income tax purposes. For purposes of this subsection, a seller who
12 is not required to file federal income tax returns may deduct a bad debt on a return filed
13 for the period in which the bad debt is written off as uncollectable in the seller's books
14 and records and would be eligible for a bad debt deduction for federal income tax
15 purposes if the seller was required to file a federal income tax return.**

16 **4. If a deduction is taken for a bad debt and the debt is subsequently collected in
17 whole or in part, the tax on the amount so collected shall be paid and reported on the
18 return filed for the period in which the collection is made.**

19 **5. If the amount of bad debt exceeds the amount of taxable sales for the period
20 during which the bad debt is written off, a refund claim may be filed by the seller within
21 the applicable statute of limitations for refund claim; however, the statute of limitations
22 shall be measured from the due date of the return on which the bad debt could first be
23 claimed.**

24 **6. If filing responsibilities have been assumed by a certified service provider, such
25 service provider may claim, on behalf of the seller, any bad debt allowance provided by
26 this section. The certified service provider shall credit or refund the full amount of any
27 bad debt allowance or refund received to the seller.**

28 **7. For the purposes of reporting a payment received on a previously claimed bad
29 debt, any payments made on a debt or account shall first be applied proportionally to the
30 taxable price of the property or service and the sales tax thereon and secondly to interest,
31 service charges, and any other charges.**

32 **8. If the books and records of the seller or certified service provider on behalf of**
33 **the seller claiming the bad debt allowance support an allocation of the bad debts among**
34 **the member states, such an allocation shall be permitted.**

144.108. 1. Certified service providers providing services to model 1 sellers shall
2 **not be certified unless:**

3 **(1) The provider's system has been designed and tested to ensure the anonymity**
4 **of purchasers unless otherwise required by law;**

5 **(2) Personally identifiable information is only used and retained to the extent**
6 **necessary for the administration of model 1 sellers with respect to exempt purchasers, and**
7 **for the identification of taxing jurisdictions;**

8 **(3) The provider provides consumers with clear and conspicuous notice of its**
9 **information practices, including what information it collects, how it collects such**
10 **information, how it uses such information, how long, if at all, it retains such information,**
11 **and whether it discloses such information to the state. Such notice shall be satisfied by a**
12 **written privacy policy statement accessible by the public on the certified service provider's**
13 **website;**

14 **(4) The provider's collection, use, and retention of personally identifiable**
15 **information is limited to that required by the state to ensure the validity of exemptions**
16 **from taxation that are claimed by reason of a purchaser's status or the intended use of the**
17 **goods or services purchased, and for the documentation of correct assignment of taxing**
18 **jurisdictions; and**

19 **(5) The provider provides adequate technical, physical, and administrative**
20 **safeguards so as to protect personally identifiable information from unauthorized access**
21 **and disclosure.**

22 **2. (1) When any personally identifiable information that has been collected and**
23 **retained is no longer required for the purposes set forth in subdivision (4) of subsection**
24 **1 of this section, such information shall no longer be retained by the state.**

25 **(2) When personally identifiable information regarding an individual is retained**
26 **by or on behalf of the state, the state shall provide reasonable access by such individual**
27 **to his or her own information in the state's possession, as well as a right to correct any**
28 **inaccurately recorded information.**

29 **(3) If anyone other than the state, or a person authorized by the state, seeks to**
30 **discover personally identifiable information of an individual, the state shall make a**
31 **reasonable and timely effort to notify the individual of such request.**

32 **3. The attorney general for the state of Missouri shall have the power to enforce**
33 **the provisions of this section.**

144.109. 1. The state shall review software submitted to the streamlined sales and use tax governing board for certification as a certified automated system (CAS) under Section 501 of the streamlined sales and use tax agreement. Such review shall include a review to determine that the program adequately classifies the state's product-based exemptions. Upon completion of the review, the state shall certify to the governing board its acceptance of the classifications made by the system. The state shall relieve a certified service provider (CSP) or model 2 seller from liability to this state and its local jurisdictions for failure to collect sales or use taxes resulting from the CSP or model 2 seller's reliance on the certification provided by the state.

2. The streamlined sales and use tax governing board and this state shall not be responsible for classification of an item or transaction with the product-based exemptions. The relief from liability provided in this section shall not be available for a CSP or model 2 seller that has incorrectly classified an item or transaction into a product-based exemption certified by this state. This subsection shall not apply to the individual listing of items or transactions within a product definition approved by the governing board of the state.

3. If the state determines that an item or transaction is incorrectly classified as to its taxability, it shall notify the CSP or model 2 seller of the incorrect classification. The CSP or model 2 seller shall have ten days to revise the classification after receipt of notice from the state of the determination. Upon expiration of the ten days, such CSP or model 2 seller shall be liable for failure to collect the correct amount of sales or use taxes due and owing to the state.

144.111. 1. (1) All retail sales in this state, excluding leases and rentals, of tangible personal property or digital goods shall be sourced to the location where the order is received by the seller.

(2) This subsection shall apply only if:

(a) The location where the order is received by the seller and the location where the purchaser receives the product are both in this state;

(b) The location where receipt of the product occurs is determined in accordance with subsection 2 of this section; and

(c) At the time the order is received, the record-keeping system of the seller used to calculate the proper amount of sales or use tax to be imposed captures the location where the order is received.

(3) If the sale is sourced under this section to the location where the order is received by the seller, only the sales tax for the location where the order is received by the seller may be levied. No additional sales or use tax based on the location where the

15 product is delivered to the purchaser may be levied on that sale. The purchaser shall not
16 be entitled to any refund if the combined state and local rate or rates at the location where
17 the product is received by the purchaser is lower than the rate where the order is received
18 by the seller.

19 (4) A purchaser shall have no additional liability to the state for tax, penalty, or
20 interest on a sale for which the purchaser remits tax to the seller in the amount invoiced
21 by the seller if such invoice amount is calculated at either the rate applicable to the
22 location where receipt by the purchaser occurs or at the rate applicable to the location
23 where the order is received by the seller. A purchaser may rely on a written
24 representation by the seller as to the location where the order for such sale was received
25 by the seller. If the purchaser does not have a written representation by the seller as to
26 the location where the order for such sale was received by the seller, the purchaser may
27 use a location indicated by a business address for the seller that is available from the
28 business records of the purchaser that are maintained in the ordinary course of the
29 purchaser's business to determine the rate applicable to the location where the order was
30 received.

31 (5) "The location where the order is received by or on behalf of the seller" means
32 the physical location of a seller or third party such as an established outlet, office location,
33 or automated order receipt system operated by or on behalf of the seller where an order
34 is initially received by or on behalf of the seller and not where the order may be
35 subsequently accepted, completed, or fulfilled. An order is "received" when all of the
36 information from the purchaser necessary to the determination whether the order can be
37 accepted has been received by or on behalf of the seller. The location from which a
38 product is shipped shall not be used in determining the location where the order is
39 received by the seller.

40 (6) If taxable services are sold with tangible personal property or digital products
41 under a single contract or in the same transaction, are billed on the same billing statement
42 or statements, and, because of the application of this section, would be sourced to different
43 jurisdictions, this subsection shall apply to determine the source for tax.

44 2. Except as provided under section 144.112, if the location where the order is
45 received by the seller and the location where the receipt of the product by the purchaser
46 or the purchaser's donee, as designated by the purchaser, occurs are in different states,
47 then the retail sale, excluding lease or rental, of a product shall be sourced as follows:

48 (1) If the product is received by the purchaser at a business location of the seller,
49 the sale shall be sourced to such business location;

50 **(2) If the product is not received by the purchaser at a business location of the**
51 **seller, the sale shall be sourced to the location where receipt by the purchaser or the**
52 **purchaser's donee, as designated by the purchaser, occurs, including the location**
53 **indicated by instructions for delivery to the purchaser or donee, as known to the seller;**

54 **(3) If subdivisions (1) and (2) of this subsection do not apply, the sale shall be**
55 **sourced to the location indicated by an address for the purchaser that is available from**
56 **the business records of the seller that are maintained in the ordinary course of the seller's**
57 **business if use of this address shall not constitute bad faith;**

58 **(4) If subdivisions (1), (2), and (3) of this subsection do not apply, the sale shall be**
59 **sourced to the location indicated by an address for the purchaser obtained during the**
60 **consummation of the sale, including the address of a purchaser's payment instrument, if**
61 **no other address is available and if use of this address shall not constitute bad faith; and**

62 **(5) If subdivisions (1), (2), (3), and (4) of this subsection do not apply, including the**
63 **circumstances in which the seller is without sufficient information to apply the previous**
64 **rules, the location shall be determined by the address from which tangible personal**
65 **property was shipped, from which the digital good or computer software delivered**
66 **electronically was first available for transmission from the seller, or from which the**
67 **service was provided, disregarding for these purposes any location that merely provided**
68 **the digital transfer of the product sold.**

69 **3. Notwithstanding subsections 1 and 2 of this section, all sales of motor vehicles,**
70 **trailers, semitrailers, watercraft, outboard motors, and aircraft that do not qualify as**
71 **transportation equipment shall be sourced to the address of the owner thereof.**

72 **4. The lease or rental of tangible personal property, other than property identified**
73 **in subsection 2 or 3 of this section, shall be sourced as follows:**

74 **(1) For a lease or rental that requires recurring periodic payments, the first**
75 **periodic payment is sourced the same as a retail sale in accordance with the provisions of**
76 **subsection 1 of this section. Periodic payments made subsequent to the first payment are**
77 **sourced to the primary property location for each period covered by the payment. The**
78 **primary property location shall be as indicated by an address for the property provided**
79 **by the lessee that is available to the lessor from its records maintained in the ordinary**
80 **course of business if use of this address shall not constitute bad faith. The property**
81 **location shall not be altered by intermittent use at different locations, such as use of**
82 **business property that accompanies employees on business trips and service calls;**

83 **(2) For a lease or rental that does not require recurring periodic payments, the**
84 **payment is sourced the same as a retail sale in accordance with the provisions of**
85 **subsection 2 of this section; and**

86 **(3) This subsection shall not affect the imposition or computation of sales or use**
87 **tax on leases or rentals based on a lump sum or accelerated basis or on the acquisition of**
88 **property for lease.**

89 **5. The lease or rental of motor vehicles, trailers, semitrailers, or aircraft that do**
90 **not qualify as transportation equipment, as defined in section 144.010, shall be sourced**
91 **as follows:**

92 **(1) For a lease or rental that requires recurring periodic payments, each periodic**
93 **payment is sourced to the primary property location. The primary property location shall**
94 **be as indicated by an address for the property provided by the lessee that is available to**
95 **the lessor from its records maintained in the ordinary course of business if use of such**
96 **address does not constitute bad faith. Such location shall not be altered by intermittent**
97 **use at different locations;**

98 **(2) For a lease or rental that does not require recurring periodic payments, the**
99 **payment is sourced the same as a retail sale in accordance with the provisions of**
100 **subsection 1 of this section; and**

101 **(3) This subsection shall not affect the imposition or computation of sales or use**
102 **tax on leases or rentals based on a lump sum or accelerated basis or on the acquisition of**
103 **property for lease.**

104 **6. The retail sale, including lease or rental, of transportation equipment shall be**
105 **sourced the same as a retail sale in accordance with the provisions of subsection 1 of this**
106 **section, notwithstanding the exclusion of lease or rental in subsection 2 of this section.**

144.112. 1. The retail sale of a product shall be sourced in accordance with section
2 **144.111. The provisions of section 144.111 shall apply regardless of the characterization**
3 **of a product as tangible personal property, a digital good, or a service. The provisions of**
4 **section 144.111 shall apply only to determine a seller's obligation to pay or collect and**
5 **remit sales or use tax with respect to the seller's retail sale of a product. The provisions**
6 **of this subsection shall not affect the obligation of a purchaser or lessee to remit tax on the**
7 **use of the product to the taxing jurisdictions of that use.**

8 **2. Section 144.111 shall not apply to sales or use taxes levied on the following:**

9 **(1) Retail sales or transfers of watercraft, modular homes, manufactured homes,**
10 **or mobile homes; and**

11 **(2) Telecommunications services and ancillary services.**

144.113. 1. (1) A purchaser of advertising and promotional direct mail may
2 **provide the seller with:**

3 **(a) A direct pay permit;**

4 (b) An agreement certificate of exemption claiming direct mail or other written
5 statement approved, authorized, or accepted by the state; or

6 (c) Information showing the jurisdictions to which the advertising and
7 promotional direct mail is to be delivered to recipients.

8 (2) If the purchaser provides the permit, certificate, or statement referred to in
9 paragraph (a) or (b) of subdivision (1) of subsection 1 of this section, the seller, in the
10 absence of bad faith, is relieved of all obligations to collect, pay, or remit any tax on any
11 transaction involving advertising and promotional direct mail to which the permit,
12 certificate, or statement applies. The purchaser shall source the sale to the jurisdictions
13 to which the advertising and promotional direct mail is to be delivered to the recipients
14 and shall report and pay any applicable tax due.

15 (3) If the purchaser provides the seller information showing the jurisdictions to
16 which the advertising and promotional direct mail is to be delivered to recipients, the
17 seller shall source the sale to the jurisdictions to which the advertising and promotional
18 direct mail is to be delivered and shall collect and remit the applicable tax. In the absence
19 of bad faith, the seller is relieved of any further obligation to collect any additional tax on
20 the sale of advertising and promotional direct mail if the seller has sourced the sale
21 according to the delivery information provided by the purchaser.

22 (4) If the purchaser does not provide the seller with any of the items listed in
23 paragraph (a), (b), or (c) of subdivision (1) of subsection 1 of this section, the sale shall be
24 sourced according to subdivision (5) of subsection 2 of section 144.111. The state to which
25 the advertising and promotional direct mail is delivered may disallow credit for tax paid
26 on sales sourced under this subdivision.

27 (5) Notwithstanding section 144.111, this subsection shall apply to sales of
28 advertising and promotional direct mail.

29 2. (1) Except as otherwise provided in this subsection, sales of other direct mail
30 are sourced in accordance with subdivision (3) of subsection 2 of section 144.111.

31 (2) A purchaser of other direct mail may provide the seller with either:

32 (a) A direct pay permit; or

33 (b) An agreement certificate of exemption claiming direct mail or other written
34 statement approved, authorized, or accepted by the state.

35 (3) If the purchaser provides the permit, certificate, or statement referred to in
36 paragraph (a) or (b) of subdivision (2) of this subsection, the seller, in the absence of bad
37 faith, is relieved of all obligations to collect, pay, or remit any tax on any transaction
38 involving other direct mail to which the permit, certificate, or statement applies.
39 Notwithstanding subdivision (1) of this subsection, the sale shall be sourced to the

40 jurisdictions to which the other direct mail is to be delivered to the recipients, and the
41 purchaser shall report and pay applicable tax due.

42 (4) Notwithstanding section 144.111, this subsection shall apply to sales of other
43 direct mail.

44 3. (1) (a) This section applies to a transaction characterized under state law as the
45 sale of services only if the service is an integral part of the production and distribution of
46 printed material that meets the definition of direct mail; and

47 (b) This section shall not apply to any transaction that includes the development
48 of billing information or the provision of any data processing service that is more than
49 incidental regardless of whether advertising and promotional direct mail is included in
50 the same mailing.

51 (2) If a transaction is a bundled transaction that includes advertising and
52 promotional direct mail, this section applies only if the primary purpose of the transaction
53 is the sale of products or services that meet the definition of advertising and promotional
54 direct mail.

55 (3) Nothing in this section shall limit any purchaser's:

56 (a) Obligation for sales or use tax to any state to which the direct mail is delivered;

57 (b) Right under local, state, federal, or constitutional law to a credit for sales or
58 use taxes legally due and paid to other jurisdictions; or

59 (c) Right to a refund of sales or use taxes overpaid to any jurisdiction.

60 (4) This section applies for purposes of uniformly sourcing direct mail transactions
61 and shall not impose requirements on states regarding the taxation of products that meet
62 the definition of direct mail or to the application of sales for resale or other exemptions.

144.114. 1. Except for the defined telecommunications services under subsection
2 3 of this section, the sale of telecommunications service sold on a call-by-call basis shall
3 be sourced to:

4 (1) Each level of taxing jurisdiction where the call originates and terminates in
5 that jurisdiction; or

6 (2) Each level of taxing jurisdiction where the call either originates or terminates
7 and in which the service address is also located.

8 2. Except for the defined telecommunications services under subsection 3 of this
9 section, a sale of telecommunications services sold on a basis other than a call-by-call basis
10 is sourced to the customer's place of primary use.

11 3. The sale of the following telecommunications services shall be sourced to each
12 level of taxing jurisdiction as follows:

13 **(1) A sale of mobile telecommunications services other than air-to-ground**
14 **radiotelephone service and prepaid calling service is sourced to the customer's place of**
15 **primary use, as required under the Mobile Telecommunications Sourcing Act;**

16 **(2) A sale of post-paid calling service is sourced to the origination point of the**
17 **telecommunications signal as first identified by either:**

18 **(a) The seller's telecommunications system; or**

19 **(b) Information received by the seller from its service provider, where the system**
20 **used to transport such signals is not that of the seller;**

21 **(3) A sale of prepaid calling service or a sale of a prepaid wireless calling service**
22 **is sourced in accordance with section 144.111; provided, however, in the case of a sale of**
23 **prepaid wireless calling service, the rule provided in subdivision (5) of subsection 2 of**
24 **section 144.111 shall include as an option the location associated with the mobile telephone**
25 **number;**

26 **(4) A sale of a private communication service is sourced as follows:**

27 **(a) Service for a separate charge related to a customer channel termination point**
28 **is sourced to each level of jurisdiction in which such customer channel termination point**
29 **is located;**

30 **(b) Service where all customer termination points are located entirely within one**
31 **jurisdiction or levels of jurisdiction is sourced in such jurisdiction in which the customer**
32 **channel termination points are located;**

33 **(c) Service for segments of a channel between two customer channel termination**
34 **points located in different jurisdictions and which segments of a channel are separately**
35 **charged is sourced fifty percent in each level of jurisdiction in which the customer channel**
36 **termination points are located; and**

37 **(d) Service for segments of a channel located in more than one jurisdiction or**
38 **levels of jurisdiction and which segments are not separately billed is sourced in each**
39 **jurisdiction based on the percentage determined by dividing the number of customer**
40 **channel termination points in such jurisdiction by the total number of customer channel**
41 **termination points.**

42 **4. The sale of internet access service is sourced to the customer's place of primary**
43 **use.**

44 **5. The sale of ancillary service is sourced to the customer's place of primary use.**

144.123. 1. The director of revenue shall provide and maintain a database that
2 **describes boundary changes for all taxing jurisdictions and the effective dates of such**
3 **changes for sales and use tax purposes.**

4 **2. The director of revenue shall provide and maintain a database of all sales and**
5 **use tax rates for all taxing jurisdictions. For the identification of counties and cities, codes**
6 **corresponding to the rates shall be provided according to Federal Information Processing**
7 **Standards (FIPS) as developed by the National Institute of Standards and Technology.**
8 **For the identification of all other jurisdictions, codes corresponding to the rates shall be**
9 **in a format determined by the director.**

10 **3. The director of revenue shall provide and maintain a database that assigns the**
11 **proper tax rates and jurisdictions to each five- and nine-digit zip code within the state.**
12 **The lowest combined tax rate imposed in the zip code area shall apply if the area includes**
13 **more than one tax rate in any level of taxing jurisdiction. If a nine-digit zip code**
14 **designation is not available for a street address or if a seller or a certified service provider**
15 **(CSP) is unable to determine the nine-digit zip code designation applicable to a**
16 **transaction after exercising due diligence to determine the designation, the seller or CSP**
17 **may apply the rate for the five-digit zip code area. For purposes of this section, there shall**
18 **be a rebuttable presumption that a seller or CSP has exercised due diligence if the seller**
19 **has attempted to determine the nine-digit zip code designation by utilizing software**
20 **approved by the governing board that makes this designation from the street address and**
21 **five-digit zip code applicable to a purchase.**

22 **4. The director of revenue may provide address-based boundary database records**
23 **for assigning taxing jurisdictions and associated rates that shall be in addition to the**
24 **requirements of subsection 3 of this section. The database records shall be in the same**
25 **approved format as the database records required under subsection 3 of this section and**
26 **shall meet the requirements developed under the federal Mobile Telecommunications**
27 **Sourcing Act, 4 U.S.C. Section 119(a). If the director develops address-based assignment**
28 **database records under the agreement, sellers that register under the agreement shall be**
29 **required to use such database. A seller or CSP shall use such database records in place**
30 **of the five- and nine-digit zip code database records provided for in subsection 3 of this**
31 **section. If a seller or CSP is unable to determine the applicable rate and jurisdiction using**
32 **an address-based database record after exercising due diligence, the seller or CSP may**
33 **apply the nine-digit zip code designation applicable to a transaction. If a nine-digit zip**
34 **code designation is not available for a street address or if a seller or CSP is unable to**
35 **determine the nine-digit zip code designation applicable to a transaction after exercising**
36 **due diligence to determine the designation, the seller or CSP may apply the rate for the**
37 **five-digit zip code area. For the purposes of this section, there shall be a rebuttable**
38 **presumption that a seller or CSP has exercised due diligence if the seller or CSP has**
39 **attempted to determine the tax rate and jurisdiction by utilizing software approved by the**

40 director and makes the assignment from the address and zip code information applicable
41 to the transaction. If the director has met the requirements of subsection 3 of this section,
42 the director may also elect to certify vendor-provided address-based databases for
43 assigning tax rates and jurisdictions. The databases shall be in the same approved format
44 as the database records under this section and meet the requirements developed under the
45 federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Section 119(a). If the director
46 certifies a vendor-provided address-based database, a seller or CSP may use such
47 database in place of the database provided for in this subsection.

48 5. The electronic databases provided for in subsections 1, 2, 3, and 4 of this section
49 shall be in downloadable format as determined by the director of revenue. The databases
50 may be directly provided by the director or provided by a vendor as designated by the
51 director. A database provided by a vendor as designated by the director shall be
52 applicable and subject to the provisions of section 144.124 and this section. The databases
53 shall be provided at no cost to the user of the database. The provisions of subsections 3
54 and 4 of this section shall not apply if the purchased product is received by the purchaser
55 at the business location of the seller.

56 6. No seller or CSP shall be liable for reliance upon erroneous data provided by
57 the director of revenue on tax rates, boundaries, or taxing jurisdiction assignments.

144.124. 1. The director of revenue shall complete a taxability matrix. The state's
2 entries in the matrix shall be provided and maintained by the director in a database that
3 is in a downloadable format.

4 2. The director of revenue shall provide reasonable notice of changes in the
5 taxability of the products or services listed in the taxability matrix.

6 3. A seller or certified service provider (CSP) shall be relieved from liability to this
7 state or any local taxing jurisdiction for having charged and collected the incorrect
8 amount of state or local sales or use tax resulting from such seller's or CSP's reliance upon
9 erroneous data provided by the director of revenue in the taxability matrix.

144.125. 1. (1) Amnesty shall be granted for uncollected or unpaid sales or use
2 tax to a seller who registers to pay or to collect and remit applicable sales or use tax on
3 sales made to purchasers in this state in accordance with the terms of the agreement,
4 provided that the seller was not so registered in this state in the twelve-month period
5 preceding the effective date of this state's participation in the agreement.

6 (2) Amnesty shall preclude assessment for uncollected or unpaid sales or use tax
7 together with penalty or interest for sales made during the period the seller was not
8 registered in this state, provided registration occurs within twelve months of the effective
9 date of this state's participation in the agreement.

10 **(3) Amnesty shall be provided if this state joins the agreement after the seller has**
11 **registered.**

12 **2. Amnesty shall not be available to a seller with respect to any matter or matters**
13 **for which the seller received notice of the commencement of an audit and for which audit**
14 **is not yet finally resolved, including any related administrative and judicial processes.**
15 **The amnesty shall not be available for sales or use taxes already paid or remitted to this**
16 **state or to taxes collected by the seller.**

17 **3. Amnesty provided under this section shall be fully effective, absent the seller's**
18 **fraud or intentional misrepresentation of a material fact, as long as the seller continues**
19 **registration and payment or collection and remittance of applicable sales or use taxes for**
20 **a period of at least thirty-six months. The statute of limitations applicable to asserting a**
21 **tax liability during this thirty-six-month period shall be tolled.**

22 **4. Amnesty provided under this section shall be applicable only to sales or use**
23 **taxes due from a seller in its capacity as a seller and not to sales or use taxes due from a**
24 **seller in its capacity as a purchaser.**

25 **5. The provisions of this section shall become effective as of the date that the state**
26 **joins and becomes a member state of the agreement.**

144.140. 1. From every remittance to the director of revenue made on or before the date
2 when the same becomes due, the person required to remit the same shall be entitled to deduct
3 and retain an amount equal to two percent thereof.

4 **2. If the director of revenue enters into the streamlined sales and use tax**
5 **agreement under section 32.070, the director shall provide a monetary allowance from the**
6 **taxes collected to each of the following:**

7 **(1) A certified service provider, in accordance with the agreement and under the**
8 **terms of the contract signed with the provider, provided that such allowance shall not**
9 **exceed two percent of the amount collected;**

10 **(2) Any vendor registered under the agreement that selects a certified automated**
11 **system to perform part of its sales or use tax functions; and**

12 **(3) Any vendor registered under the agreement that uses a proprietary system to**
13 **calculate taxes due and has entered into a performance agreement with states that are**
14 **members of the streamlined sales and use tax agreement.**

15 **3. The monetary allowance provided for vendors in subdivision (2) or (3) of**
16 **subsection 2 of this section shall be in an amount equal to two percent of the taxes**
17 **collected.**

18 **4. Any vendor receiving an allowance under subsection 2 of this section shall not**
19 **be entitled simultaneously to deduct the allowance provided for in subsection 1 of this**
20 **section.**

144.190. 1. If a tax has been incorrectly computed by reason of a clerical error or
2 mistake on the part of the director of revenue, such fact shall be set forth in the records of the
3 director of revenue, and the amount of the overpayment shall be credited on any taxes then due
4 from the person legally obligated to remit the tax [~~pursuant to sections 144.010 to 144.525~~]
5 **under this chapter**, and the balance shall be refunded to the person legally obligated to remit
6 the tax, such person's administrators or executors, as provided for in section 144.200.

7 2. If any tax, penalty or interest has been paid more than once, or has been erroneously
8 or illegally collected, or has been erroneously or illegally computed, such sum shall be credited
9 on any taxes then due from the person legally obligated to remit the tax [~~pursuant to sections~~
10 ~~144.010 to 144.525~~] **under this chapter**, and the balance, with interest as determined [by]
11 **under** section 32.065, shall be refunded to the person legally obligated to remit the tax, but no
12 such credit or refund shall be allowed unless duplicate copies of a claim for refund are filed
13 within three years from date of overpayment.

14 3. Every claim for refund must be in writing and signed by the applicant, and must state
15 the specific grounds upon which the claim is founded. Any refund or any portion thereof which
16 is erroneously made, and any credit or any portion thereof which is erroneously allowed, may
17 be recovered in any action brought by the director of revenue against the person legally
18 obligated to remit the tax. In the event that a tax has been illegally imposed against a person
19 legally obligated to remit the tax, the director of revenue shall authorize the cancellation of the
20 tax upon the director's record.

21 4. Notwithstanding the provisions of section 32.057, a purchaser that originally paid
22 sales or use tax to a vendor or seller may submit a refund claim directly to the director of
23 revenue for such sales or use taxes paid to such vendor or seller and remitted to the director,
24 provided no sum shall be refunded more than once, any such claim shall be subject to any offset,
25 defense, or other claim the director otherwise would have against either the purchaser or vendor
26 or seller, and such claim for refund is accompanied by either:

27 (1) A notarized assignment of rights statement by the vendor or seller to the purchaser
28 allowing the purchaser to seek the refund on behalf of the vendor or seller. An assignment of
29 rights statement shall contain the Missouri sales or use tax registration number of the vendor
30 or seller, a list of the transactions covered by the assignment, the tax periods and location for
31 which the original sale was reported to the director of revenue by the vendor or seller, and a
32 notarized statement signed by the vendor or seller affirming that the vendor or seller has not
33 received a refund or credit, will not apply for a refund or credit of the tax collected on any

34 transactions covered by the assignment, and authorizes the director to amend the seller's return
35 to reflect the refund; or

36 (2) In the event the vendor or seller fails or refuses to provide an assignment of rights
37 statement within sixty days from the date of such purchaser's written request to the vendor or
38 seller, or the purchaser is not able to locate the vendor or seller or the vendor or seller is no
39 longer in business, the purchaser may provide the director a notarized statement confirming the
40 efforts that have been made to obtain an assignment of rights from the vendor or seller. Such
41 statement shall contain a list of the transactions covered by the assignment, the tax periods and
42 location for which the original sale was reported to the director of revenue by the vendor or
43 seller.

44

45 The director shall not require such vendor, seller, or purchaser to submit amended returns for
46 refund claims submitted under the provisions of this subsection. Notwithstanding the
47 provisions of section 32.057, if the seller is registered with the director for collection and
48 remittance of sales tax, the director shall notify the seller at the seller's last known address of
49 the claim for refund. If the seller objects to the refund within thirty days of the date of the
50 notice, the director shall not pay the refund. If the seller agrees that the refund is warranted or
51 fails to respond within thirty days, the director may issue the refund and amend the seller's
52 return to reflect the refund. For purposes of section 32.069, the refund claim shall not be
53 considered to have been filed until the seller agrees that the refund is warranted or thirty days
54 after the date the director notified the seller and the seller failed to respond.

55 5. Notwithstanding the provisions of section 32.057, when a vendor files a refund claim
56 on behalf of a purchaser and such refund claim is denied by the director, notice of such denial
57 and the reason for the denial shall be sent by the director to the vendor and each purchaser
58 whose name and address is submitted with the refund claim form filed by the vendor. A
59 purchaser shall be entitled to appeal the denial of the refund claim within sixty days of the date
60 such notice of denial is mailed by the director as provided in section 144.261. The provisions
61 of this subsection shall apply to all refund claims filed after August 28, 2012. The provisions
62 of this subsection allowing a purchaser to appeal the director's decision to deny a refund claim
63 shall also apply to any refund claim denied by the director on or after January 1, 2007, if an
64 appeal of the denial of the refund claim is filed by the purchaser no later than September 28,
65 2012, and if such claim is based solely on the issue of the exemption of the electronic
66 transmission or delivery of computer software.

67 6. Notwithstanding the provisions of this section, the director of revenue shall authorize
68 direct-pay agreements to purchasers which have annual purchases in excess of seven hundred
69 fifty thousand dollars ~~[pursuant to]~~ **under** rules and regulations adopted by the director of

70 revenue. For the purposes of such direct-pay agreements, the taxes authorized [~~pursuant to~~]
71 **under** chapters 66, 67, 70, 92, 94, 162, 190, 238, 321, and 644 shall be remitted based upon the
72 location of the place of business of the purchaser.

73 7. Special rules applicable to error corrections requested by customers of mobile
74 telecommunications service are as follows:

75 (1) For purposes of this subsection, the terms "customer", "home service provider",
76 "place of primary use", "electronic database", and "enhanced zip code" shall have the same
77 meanings as defined in the Mobile Telecommunications Sourcing Act incorporated by reference
78 in section 144.013;

79 (2) Notwithstanding the provisions of this section, if a customer of mobile
80 telecommunications services believes that the amount of tax, the assignment of place of primary
81 use or the taxing jurisdiction included on a billing is erroneous, the customer shall notify the
82 home service provider, in writing, within three years from the date of the billing statement. The
83 customer shall include in such written notification the street address for the customer's place of
84 primary use, the account name and number for which the customer seeks a correction of the tax
85 assignment, a description of the error asserted by the customer and any other information the
86 home service provider reasonably requires to process the request;

87 (3) Within sixty days of receiving the customer's notice, the home service provider shall
88 review its records and the electronic database or enhanced zip code to determine the customer's
89 correct taxing jurisdiction. If the home service provider determines that the review shows that
90 the amount of tax, assignment of place of primary use or taxing jurisdiction is in error, the home
91 service provider shall correct the error and, at its election, either refund or credit the amount of
92 tax erroneously collected to the customer for a period of up to three years from the last day of
93 the home service provider's sixty-day review period. If the home service provider determines
94 that the review shows that the amount of tax, the assignment of place of primary use or the
95 taxing jurisdiction is correct, the home service provider shall provide a written explanation of
96 its determination to the customer.

97 8. For all refund claims submitted to the department of revenue on or after September
98 1, 2003, notwithstanding any provision of this section to the contrary, if a person legally
99 obligated to remit the tax levied [~~pursuant to sections 144.010 to 144.525~~] **under this chapter**
100 has received a refund of such taxes for a specific issue and submits a subsequent claim for
101 refund of such taxes on the same issue for a tax period beginning on or after the date the original
102 refund check issued to such person, no refund shall be allowed. This subsection shall not apply
103 and a refund shall be allowed if the refund claim is filed by a purchaser under the provisions of
104 subsection 4 of this section, the refund claim is for use tax remitted by the purchaser, or an

105 additional refund claim is filed by a person legally obligated to remit the tax due to any of the
106 following:

107 (1) Receipt of additional information or an exemption certificate from the purchaser of
108 the item at issue;

109 (2) A decision of a court of competent jurisdiction or the administrative hearing
110 commission; or

111 (3) Changes in regulations or policy by the department of revenue.

112 9. Notwithstanding any provision of law to the contrary, the director of revenue shall
113 respond to a request for a binding letter ruling filed in accordance with section 536.021 within
114 sixty days of receipt of such request. If the director of revenue fails to respond to such letter
115 ruling request within sixty days of receipt by the director, the director of revenue shall be barred
116 from pursuing collection of any assessment of sales or use tax with respect to the issue which
117 is the subject of the letter ruling request. For purposes of this subsection, the term "letter ruling"
118 means a written interpretation of law by the director to a specific set of facts provided by a
119 specific taxpayer or his or her agent.

120 10. If any tax was paid more than once, was incorrectly collected, or was incorrectly
121 computed, such sum shall be credited on any taxes then due from the person legally obligated
122 to remit the tax ~~[pursuant to]~~ **under** sections 144.010 to 144.510 against any deficiency or tax
123 due discovered through an audit of the person by the department of revenue through adjustment
124 during the same tax filing period for which the audit applied.

125 **11. A cause of action against the seller by a purchaser for a tax erroneously or**
126 **illegally collected under this chapter does not accrue until a purchaser has provided**
127 **written notice to a seller and the seller has had sixty days to respond. Such notice to the**
128 **seller shall contain the information necessary to determine the validity of the request. A**
129 **seller shall be presumed to have a reasonable business practice if, in the collection of such**
130 **tax, the seller uses a provider or a system certified by the director and has remitted to the**
131 **state all tax collected less any deductions, credits, or allowances.**

144.210. 1. The burden of proving that a sale of tangible personal property, services,
2 substances or things was not a sale at retail shall be upon the person who made the sale, except
3 that with respect to sales, services, or transactions provided for in section 144.070. ~~[The seller~~
4 ~~shall obtain and maintain exemption certificates signed by the purchaser or his agent as~~
5 ~~evidence for any exempt sales claimed; provided, however, that before any administrative~~
6 ~~tribunal of this state, a seller may prove that sale is exempt from tax under this chapter in~~
7 ~~accordance with proof admissible under the applicable rules of evidence; except that when a~~
8 ~~purchaser has purchased tangible personal property or services sales tax free under a claim of~~
9 ~~exemption which is found to be improper, the director of revenue may collect the proper amount~~

10 of tax, interest, additions to tax and penalty from the purchaser directly. Any tax, interest,
11 additions to tax or penalty collected by the director from the purchaser shall be credited against
12 the amount otherwise due from the seller on the purchases or sales where the exemption was
13 claimed.]

14 2. If the director of revenue is not satisfied with the return and payment of the tax made
15 by any person, he is hereby authorized and empowered to make an additional assessment of tax
16 due from such person, based upon the facts contained in the return or upon any information
17 within his possession or that shall come into his possession.

18 3. The director of revenue shall give to the person written notice of such additional or
19 revised assessment by certified or registered mail to the person at his or its last known address.

**144.212. 1. In addition to all other provisions of law provided for exemptions, if
2 an exemption is claimed by a purchaser:**

3 **(1) The seller shall obtain identifying information of the purchaser and the reason
4 for claiming a tax exemption at the time of the purchase;**

5 **(2) A purchaser shall not be required to provide a signature to claim an exemption
6 from tax unless a paper exemption certificate is used;**

7 **(3) The seller shall use the standard form for claiming an exemption electronically
8 prescribed by the director of revenue and acceptable to the streamlined sales and use tax
9 governing board;**

10 **(4) The seller shall obtain the same information for proof of a claimed exemption
11 regardless of the medium in which the transaction occurred;**

12 **(5) The seller shall maintain proper records of exempt transactions and provide
13 such records to the director of revenue or the director's designee upon request; and**

14 **(6) In the case of drop shipment sales, a third-party vendor such as a drop shipper
15 may claim a resale exemption based on an exemption certificate provided by its customer
16 or any other acceptable information available to the third-party vendor evidencing
17 qualification for a resale exemption, regardless of whether the customer is registered to
18 collect and remit sales and use tax in the state where the sale is sourced.**

19 **2. Sellers that comply with the requirements of this section shall be relieved from
20 collecting and remitting tax otherwise applicable if it is determined that the purchaser
21 improperly claimed an exemption, and such purchaser shall be liable for the nonpayment
22 of tax. Relief from liability provided under this section shall not apply to a seller who
23 fraudulently fails to collect tax, to a seller who solicits purchasers to participate in the
24 unlawful claim of an exemption, to a seller who accepts an exemption certificate if the
25 purchaser claims an entity-based exemption if the subject of the transaction sought to be
26 covered by the exemption certificate is actually received by the purchaser at a location**

27 operated by the seller and the state in which that location resides provides an exemption
28 certificate that clearly and affirmatively indicates that the claimed exemption is not
29 available in such state, or to a seller who accepts an exemption certificate claiming
30 multiple points of use for tangible personal property other than computer software for
31 which an exemption claiming multiple points of use:

32 (1) A seller shall be relieved from collecting and remitting tax otherwise applicable
33 if the seller obtains a fully completed exemption certificate or captures the relevant data
34 elements required under the agreement within ninety days subsequent to the date of sale;
35 and

36 (2) If a seller fails to obtain an exemption certificate or all relevant data elements
37 as provided in this section, the seller may, within one hundred twenty days subsequent to
38 a request for substantiation by the director of revenue or the director's designee, either
39 prove that the transaction was not subject to tax by other means or obtain a fully
40 completed exemption certificate from the purchaser, taken in good faith.

41 3. Nothing in this section shall affect the ability of the director of revenue or the
42 director's designee to require purchasers to update exemption certificate information or
43 to reapply with the state to claim certain exemptions.

44 4. Notwithstanding the provisions of subsection 2 of this section to the contrary,
45 the director shall relieve a seller of the tax otherwise applicable if the seller obtains a
46 blanket exemption certificate for a purchaser with which the seller has a recurring
47 business relationship. The director shall not request from the seller renewal of blanket
48 certificates or updates of exemption certificate information or data elements if there is a
49 recurring business relationship between the buyer and seller. For purposes of this section,
50 a recurring business relation exists if a period of no more than twelve months elapses
51 between sales transactions.

144.285. 1. [~~In order to permit sellers required to collect and report the sales tax to
2 collect the amount required to be reported and remitted, but not to change the requirements of
3 reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of
4 pennies, the director of revenue shall establish brackets, showing the amounts of tax to be
5 collected on sales of specified amounts, which shall be applicable to all taxable transactions]~~
6 **When a seller is computing the amount of tax owed by the purchaser and remitted to the
7 state:**

8 (1) Tax computation shall be carried to the third decimal place; and

9 (2) The tax shall be rounded to a whole cent using a method that rounds up to the
10 next cent if the third decimal place is greater than four.

11 2. ~~[In all instances where statements covering taxable purchases are rendered to the~~
 12 ~~taxpayer on a monthly or other periodic basis, the amount of tax shall be determined by~~
 13 ~~applying the applicable tax rate to the taxable purchases represented on the statement, rounded~~
 14 ~~to the nearest whole cent, or by application of the brackets established by the director of~~
 15 ~~revenue, at the option of the retail vendor]~~ **Sellers may elect to compute the tax due on a**
 16 **transaction on an item or an invoice basis. The provision of this subsection may be**
 17 **applied to the aggregated state and local taxes.**

18 3. No vendor or seller shall knowingly charge or receive from a purchaser as a sales tax
 19 any sum in excess of the sums provided for in this section.

20 4. ~~[A vendor may, at his option, determine the amount charged to and received from~~
 21 ~~each purchaser by use of a formula which applies the applicable tax rate to each taxable~~
 22 ~~purchase, rounded to the nearest whole cent. The formula shall be uniformly and consistently~~
 23 ~~applied to all purchases similarly situated:~~

24 ~~———5:]~~ Amounts which a vendor charges to and receives from the purchaser in accordance
 25 with this section shall not be includable in ~~[his]~~ **the vendor's** gross receipts if the amounts are
 26 separately charged or stated.

27 ~~[6-]~~ **5.** If sales tax for one or more local political subdivisions is owed by a taxpayer
 28 ~~[pursuant to]~~ **under** chapter 66, 67, 92, or 94 and that taxpayer remits less than all sales tax due
 29 for a filing period specified in section 144.080, the director of revenue shall deposit the tax
 30 remitted proportionately to each taxing jurisdiction in accordance with the percentage that each
 31 such jurisdiction's share of the tax due for the filing period bears to the total tax due from such
 32 taxpayer for such period. The unpaid balance due along with penalties and interest shall be
 33 similarly prorated among the state and all local jurisdictions for which tax was due during the
 34 filing period for which an underpayment occurs. The provisions of this subsection shall apply
 35 to all returns or remittances relating to sales made on or after January 1, 1984.

144.526. 1. This section shall be known and may be cited as the "Show Me Green Sales
 2 Tax Holiday".

3 2. ~~[For purposes of this section, the following terms mean:~~

4 ~~———(1) "Appliance", clothes washers and dryers, water heaters, trash compactors,~~
 5 ~~dishwashers, conventional ovens, ranges, stoves, air conditioners, furnaces, refrigerators and~~
 6 ~~freezers; and~~

7 ~~———(2) "Energy star certified", any appliance approved by both the United States~~
 8 ~~Environmental Protection Agency and the United States Department of Energy as eligible to~~
 9 ~~display the energy star label, as amended from time to time.~~

10 ~~———3:]~~ In each year beginning on or after January 1, 2009, there is hereby specifically
 11 exempted from state **and local** sales tax law all retail sales of any ~~[energy star certified]~~ new

12 appliance **that is an Energy Star qualified product**, up to one thousand five hundred dollars
13 per appliance, during a seven-day period beginning at 12:01 a.m. on April nineteenth and ending
14 at midnight on April twenty-fifth. **Where a purchaser and seller are located in two different**
15 **time zones, the time zone of the seller's location shall determine the authorized exemption**
16 **period.**

17 ~~[4. A political subdivision may allow the sales tax holiday under this section to apply~~
18 ~~to its local sales taxes by enacting an ordinance to that effect. Any such political subdivision~~
19 ~~shall notify the department of revenue not less than forty-five calendar days prior to the~~
20 ~~beginning date of the sales tax holiday occurring in that year of any such ordinance or order.~~

21 ~~5. This section may not apply to any retailer when less than two percent of the retailer's~~
22 ~~merchandise offered for sale qualifies for the sales tax holiday. The retailer shall offer a sales~~
23 ~~tax refund in lieu of the sales tax holiday.]~~

24 **3. A sale of property which is eligible for an exemption under subsection 1 of this**
25 **section but is purchased under a layaway sale shall only qualify for an exemption if:**

26 **(1) Final payment on a layaway order is made by, and the property is given to, the**
27 **purchaser during the exemption period; or**

28 **(2) The purchaser selects the property and the seller accepts the order for the**
29 **property during the exemption period, for immediate delivery upon full payment, even**
30 **if delivery is made after the exemption period.**

31 **4. The exemption of a bundled transaction shall be calculated as provided by law**
32 **for all other bundled transactions.**

33 **5. (1) For any discount offered by a seller that is a reduction of the sales price of**
34 **the product, the discounted sales price shall determine whether the sales price falls below**
35 **the price threshold provided in subsection 1 of this section. A coupon that reduces the**
36 **sales price shall be treated as a discount only if the seller is not reimbursed for the coupon**
37 **amount by a third party.**

38 **(2) If a discount applies to the total amount paid by a purchaser rather than to the**
39 **sales price of a particular product and the purchaser has purchased both exempt property**
40 **and taxable property, the seller shall allocate the discount based on the total sales prices**
41 **of the taxable property compared to the total sales prices of all property sold in the same**
42 **transaction.**

43 **6. Items that are normally sold as a single unit shall continue to be sold in that**
44 **manner and shall not be priced separately and sold as individual items.**

45 **7. Items that are purchased during an exemption period but that are not delivered**
46 **to the purchaser until after the exemption period due to the item not being in stock shall**
47 **qualify for an exemption. The provisions of this subsection shall not apply to an item that**

48 was delivered during an exemption period but was purchased prior to or after the
49 exemption period.

50 **8. (1) If a purchaser purchases an item of eligible property during an exemption**
51 **period but later exchanges the item for a similar eligible item after the exemption period,**
52 **no additional tax shall be due on the new item.**

53 **(2) If a purchaser purchases an item of eligible property during an exemption**
54 **period but later returns the item after the exemption period and receives credit on the**
55 **purchase of a different nonexempt item, the appropriate sales tax shall be due on the sale**
56 **of the newly purchased item.**

57 **(3) If a purchaser purchases an item of eligible property before an exemption**
58 **period but during the exemption period returns the item and receives credit on the**
59 **purchase of a different item of eligible property, no sales tax shall be due on the sale of the**
60 **new item if the new item is purchased during the exemption period.**

61 **(4) For a sixty-day period immediately following the end of the exemption period,**
62 **if a purchaser returns an exempt item, no credit for or refund of sales tax shall be given**
63 **unless the purchaser provides a receipt or invoice that shows tax was paid, or the seller**
64 **has sufficient documentation to show that tax was paid on the item being returned.**

65 **9. For items that require delivery, an item shall be considered exempt if:**

66 **(1) The item is both delivered to and paid for by the purchaser during the**
67 **exemption period; or**

68 **(2) The purchaser orders and pays for the item and the seller accepts the order**
69 **during the exemption period for immediate shipment, even if delivery is made after the**
70 **exemption period. For the purposes of this subdivision, a seller shall be considered to have**
71 **accepted an order when the seller has taken action to fill the order for immediate**
72 **shipment. Actions to fill an order shall include placement of an "in date" stamp on a mail**
73 **order or the assignment of an "order number" to a telephone order. An order shall be**
74 **considered for immediate shipment when the purchaser does not request delayed**
75 **shipment. An order shall be considered for immediate shipment notwithstanding a**
76 **shipment that may be delayed because of a backlog of orders or because an item is**
77 **currently unavailable or on back order.**

144.600. **1. This law may be cited as the "Compensating Use Tax Law".**

2 **2. All provisions in sections 144.010 to 144.527 with respect to sales into this state**
3 **by out-of-state sellers shall apply to the compensating use tax law.**

2 **144.612. 1. A vendor is required to register with the director under this chapter**
2 **for the collection and remittance of use tax if the vendor is engaged in business activities**

3 within this state. For purposes of this chapter, "engaging in business activities within this
4 state" includes:

5 (1) Maintaining or having a franchisee or licensee operating under the seller's
6 trade name in this state if the franchisee or licensee is required to collect sales tax under
7 sections 144.010 to 144.527; and

8 (2) Soliciting sales or taking orders by sales agents or traveling representatives.

9 2. A vendor is presumed to engage in business activities within this state if any
10 person, other than a common carrier acting in its capacity as such, that has substantial
11 nexus with this state:

12 (1) Sells a similar line of products as the vendor and does so under the same or a
13 similar business name;

14 (2) Maintains an office, distribution facility, warehouse, or storage place, or
15 similar place of business in the state to facilitate the delivery of property or services sold
16 by the vendor to the vendor's customers;

17 (3) Delivers, installs, assembles, or performs maintenance services for the vendor's
18 customers within the state;

19 (4) Facilitates the vendor's delivery of property to customers in the state by
20 allowing the vendor's customers to pick up property sold by the vendor at an office,
21 distribution facility, warehouse, storage place, or similar place of business maintained by
22 the person in the state; or

23 (5) Conducts any other activities in the state that are significantly associated with
24 the vendor's ability to establish and maintain a market in the state for the sales;

25 3. The presumption in subsection 2 may be rebutted by demonstrating that the
26 person's activities in the state are not significantly associated with the vendor's ability to
27 establish or maintain a market in this state for the vendor's sales;

28 4. Notwithstanding subsection 2, a vendor shall be presumed to engage in business
29 activities within this state if the vendor enters into an agreement with one or more
30 residents of this state under which the resident, for a commission or other consideration,
31 directly or indirectly refers potential customers, whether by a link on an internet website,
32 an in-person oral presentation, telemarketing, or otherwise, to the vendor, if the
33 cumulative gross receipts from sales by the vendor to customers in the state who are
34 referred to the vendor by all residents with this type of an agreement with the vendor is
35 in excess of ten thousand dollars during the preceding twelve months; and

36 5. The presumption in subsection 4 may be rebutted by submitting proof that the
37 residents with whom the vendor has an agreement did not engage in any activity within
38 the state that was significantly associated with the vendor's ability to establish or maintain

39 **the vendor's market in the state during the preceding twelve months. Such proof may**
40 **consist of sworn written statements from all of the residents with whom the vendor has**
41 **an agreement stating that they did not engage in any solicitation in the state on behalf of**
42 **the vendor during the preceding year, provided that such statements were provided and**
43 **obtained in good faith.**

144.655. 1. Every vendor, on or before the last day of the month following each
2 calendar quarterly period of three months, shall file with the director of revenue a return of all
3 taxes collected for the preceding quarter in the form prescribed by the director of revenue,
4 showing the total sales price of the tangible personal property sold by the vendor, the storage,
5 use or consumption of which is subject to the tax levied by this law, and other information the
6 director of revenue deems necessary. The return shall be accompanied by a remittance of the
7 amount of the tax required to be collected by the vendor during the period covered by the return.
8 Returns shall be signed by the vendor or the vendor's authorized agent. The director of revenue
9 may promulgate rules or regulations changing the filing and payment requirements of vendors,
10 but shall not require any vendor to file and pay more frequently than required in this section.

11 2. Where the aggregate amount of tax required to be collected by a vendor is in excess
12 of two hundred and fifty dollars for either the first or second month of a calendar quarter, the
13 vendor shall pay such aggregate amount for such months to the director of revenue by the
14 twentieth day of the succeeding month. The amount so paid shall be allowed as a credit against
15 the liability shown on the vendor's quarterly return required by this section.

16 3. Where the aggregate amount of tax required to be collected by a vendor is less than
17 forty-five dollars in a calendar quarter, the director of revenue shall by regulation permit the
18 vendor to file a return for a calendar year. The return shall be filed and the taxes paid on or
19 before January thirty-first of the succeeding year.

20 4. Except as provided in subsection 5 of this section, every person purchasing tangible
21 personal property, the storage, use or consumption of which is subject to the tax levied by
22 sections 144.600 to 144.748, who has not paid the tax due to a vendor registered in accordance
23 with the provisions of section 144.650, shall file with the director of revenue a return for the
24 preceding reporting period in the form and manner that the director of revenue prescribes,
25 showing the total sales price of the tangible property purchased during the preceding reporting
26 period and any other information that the director of revenue deems necessary for the proper
27 administration of sections 144.600 to 144.748. The return shall be accompanied by a remittance
28 of the amount of the tax required by sections 144.600 to 144.748 to be paid by the person.
29 Returns shall be signed by the person liable for the tax or such person's duly authorized agent.
30 For purposes of this subsection, the reporting period shall be determined by the director of
31 revenue and may be a calendar quarter or a calendar year. Annual returns and payments

32 required by the director ~~[pursuant to]~~ **under** this subsection shall be due on or before April
33 fifteenth of the year for the preceding calendar year and quarterly returns and payments shall be
34 due on or before the last day of the month following each calendar period of three months.
35 Upon the taxpayer's request, the director may allow the filing of such returns and payments on
36 a monthly basis. If a taxpayer elects to file a monthly return and payment, such return and
37 payment shall be due on or before the twentieth day of the succeeding month.

38 5. Any person purchasing tangible personal property subject to the taxes imposed by
39 sections 144.600 to 144.748 shall not be required to file a use tax return with the director of
40 revenue if such purchases on which such taxes were not paid do not exceed in the aggregate two
41 thousand dollars in any calendar year.

42 6. Nothing in subsection 5 of this section shall relieve a vendor of liability to collect the
43 tax imposed ~~[pursuant to]~~ **under** sections 144.600 to 144.748 on the total gross receipts of all
44 sales of tangible personal property used, stored or consumed in this state and to remit all taxes
45 collected to the director of revenue in accordance with the provisions of this section nor shall
46 it relieve a purchaser from paying such taxes to a vendor registered in accordance with the
47 provisions of section 144.650.

48 **7. Any out-of-state seller that is not legally required to register for use tax in this**
49 **state but chooses to collect and remit use tax under sections 144.600 to 144.761 shall file**
50 **a return for the calendar year. The return shall be filed and the taxes paid on or before**
51 **January thirty-first of the succeeding year.**

144.710. ~~[From every remittance made by a vendor as required by sections 144.600 to~~
2 ~~144.745 to the director of revenue on or before the date when the remittance becomes due, the~~
3 ~~vendor may deduct and retain an amount equal to two percent thereof]~~ **Sections 144.210 and**
4 **144.212, pertaining to the allowance for timely remittance of payment, are applicable to**
5 **the tax levied by this law.**

144.759. 1. All local use taxes collected by the director of revenue ~~[pursuant to]~~ **under**
2 sections 144.757 to 144.761 on behalf of any county or municipality, less one percent for cost
3 of collection, which shall be deposited in the state's general revenue fund after payment of
4 premiums for surety bonds as provided ~~[in]~~ **under** section 32.087 shall be deposited with the
5 state treasurer in a local use tax trust fund, which fund shall be separate and apart from the local
6 sales tax trust funds. The moneys in such local use tax trust fund shall not be deemed to be state
7 funds and shall not be commingled with any funds of the state. The director of revenue shall
8 keep accurate records of the amount of money in the trust fund which was collected in each
9 county or municipality imposing a local use tax, and the records shall be open to the inspection
10 of officers of the county or municipality and to the public. No later than the tenth day of each
11 month, the director of revenue shall distribute all moneys deposited in the trust fund during the

12 preceding month, except as provided in subsection 2 of this section, to the county or
13 municipality treasurer, or such other officer as may be designated by the county or municipality
14 ordinance or order, of each county or municipality imposing the tax authorized by sections
15 144.757 to 144.761, the sum due the county or municipality as certified by the director of
16 revenue.

17 2. The director of revenue shall distribute all moneys which would be due any county
18 having a charter form of government and having a population of nine hundred thousand or more
19 to the county treasurer or such other officer as may be designated by county ordinance, who
20 shall distribute such moneys as follows: the portion of the use tax imposed by the county which
21 equals one-half the rate of sales tax in effect for such county shall be disbursed to the county
22 treasurer for expenditure throughout the county for public safety, parks, and job creation,
23 subject to any qualifications and regulations adopted by ordinance of the county. Such
24 ordinance shall require an audited comprehensive financial report detailing the management and
25 use of such funds each year. Such ordinance shall also require that the county and the municipal
26 league of the county jointly prepare a strategy to guide expenditures of funds and conduct an
27 annual review of the strategy. The treasurer or such other officer as may be designated by
28 county ordinance shall distribute one-third of the balance to the county and to each city, town
29 and village in group B according to section 66.620 as modified by this section, a portion of the
30 two-thirds remainder of such balance equal to the percentage ratio that the population of each
31 such city, town or village bears to the total population of all such group B cities, towns and
32 villages. For the purposes of this subsection, population shall be determined by the last federal
33 decennial census or the latest census that determines the total population of the county and all
34 political subdivisions therein. For the purposes of this subsection, each city, town or village in
35 group A according to section 66.620 but whose per capita sales tax receipts during the preceding
36 calendar year ~~[pursuant to]~~ **under** sections 66.600 to 66.630 were less than the per capita
37 countywide average of all sales tax receipts during the preceding calendar year, shall be treated
38 as a group B city, town or village until the per capita amount distributed to such city, town or
39 village equals the difference between the per capita sales tax receipts during the preceding
40 calendar year and the per capita countywide average of all sales tax receipts during the
41 preceding calendar year.

42 3. The director of revenue may authorize the state treasurer to make refunds from the
43 amounts in the trust fund and credited to any county or municipality for erroneous payments and
44 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of
45 such counties or municipalities. If any county or municipality abolishes the tax, the county or
46 municipality shall notify the director of revenue of the action ~~[at least ninety days]~~ prior to the
47 effective date of the repeal, and **the repeal shall be effective as provided by subsection 19 of**

48 **section 32.097.** The director of revenue may order retention in the trust fund, for a period of
49 one year, of two percent of the amount collected after receipt of such notice to cover possible
50 refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the
51 credit of such accounts. After one year has elapsed after the effective date of abolition of the
52 tax in such county or municipality, the director of revenue shall authorize the state treasurer to
53 remit the balance in the account to the county or municipality and close the account of that
54 county or municipality. The director of revenue shall notify each county or municipality of each
55 instance of any amount refunded or any check redeemed from receipts due the county or
56 municipality.

57 4. Except as modified ~~in~~ **under** sections 144.757 to 144.761, all provisions of sections
58 32.085 ~~and~~ **to** 32.087 applicable to the local sales tax, except for subsection 12 of section
59 32.087, and all provisions of sections 144.600 to 144.745 shall apply to the tax imposed
60 ~~pursuant to~~ **under** sections 144.757 to 144.761, and the director of revenue shall perform all
61 functions incident to the administration, collection, enforcement, and operation of the tax.

144.761. 1. No county or municipality imposing a local use tax ~~pursuant to~~ **under**
2 sections 144.757 to 144.761 may repeal or amend such local use tax unless such repeal or
3 amendment is submitted to and approved by the voters of the county or municipality in the
4 manner provided in section 144.757; provided, however, that the repeal of the local sales tax
5 within the county or municipality shall be deemed to repeal the local use tax imposed ~~pursuant~~
6 ~~to~~ **under** sections 144.757 to 144.761.

7 2. Whenever the governing body of any county or municipality in which a local use tax
8 has been imposed in the manner provided by sections 144.757 to 144.761 receives a petition,
9 signed by fifteen percent of the registered voters of such county or municipality voting in the
10 last gubernatorial election, calling for an election to repeal such local use tax, the governing
11 body shall submit to the voters of such county or municipality a proposal to repeal the county
12 or municipality use tax imposed ~~pursuant to~~ **under** sections 144.757 to 144.761. If a majority
13 of the votes cast on the proposal by the registered voters voting thereon are in favor of the
14 proposal to repeal the local use tax, then the ordinance or order imposing the local use tax, along
15 with any amendments thereto, is repealed. If a majority of the votes cast by the registered voters
16 voting thereon are opposed to the proposal to repeal the local use tax, then the ordinance or
17 order imposing the local use tax, along with any amendments thereto, shall remain in effect.
18 **The notice provision of section 32.087 shall apply to such repeal of this tax.**

184.845. 1. The board of the district may impose a museum and cultural district sales
2 tax by resolution on all retail sales made in such museum and cultural district which are subject
3 to ~~taxation pursuant to the provisions of sections 144.010 to 144.525]~~ **sales tax under chapter**
4 **144.** Such museum and cultural district sales tax may be imposed for any museum or cultural

5 purpose designated by the board of the museum and cultural district. If the resolution is adopted
6 the board of the district may submit the question of whether to impose a sales tax authorized
7 by this section to the qualified voters, who shall have the same voting interests as with the
8 election of members of the board of the district.

9 2. The sales tax authorized by this section shall become effective ~~[on the first day of the~~
10 ~~second calendar quarter following adoption of the tax by the board or qualified voters]~~ **as**
11 **provided in subsection 19 of section 32.087**, if the board elects to submit the question of
12 whether to impose a sales tax to the qualified voters.

13 3. In each museum and cultural district in which a sales tax has been imposed in the
14 manner provided by this section, every retailer shall add the tax imposed by the museum and
15 cultural district ~~[pursuant to]~~ **under** this section to the retailer's sale price, and when so added
16 such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until
17 paid, and shall be recoverable at law in the same manner as the purchase price.

18 4. In order to permit sellers required to collect and report the sales tax authorized by this
19 section to collect the amount required to be reported and remitted, but not to change the
20 requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid
21 fractions of pennies, the ~~[museum and cultural district may establish appropriate brackets which~~
22 ~~shall be used in the district imposing a tax pursuant to this section in lieu of those brackets~~
23 ~~provided in]~~ **tax shall be calculated as authorized under the provisions of** section 144.285.

24 5. All revenue received by a museum and cultural district from the tax authorized by
25 this section which has been designated for a certain museum or cultural purpose shall be
26 deposited in a special trust fund and shall be used solely for such designated purpose. All funds
27 remaining in the special trust fund shall continue to be used solely for such designated museum
28 or cultural purpose. Any funds in such special trust fund which are not needed for current
29 expenditures may be invested by the board of directors in accordance with applicable laws
30 relating to the investment of other museum or cultural district funds.

31 6. The sales tax may be imposed at a rate of one-half of one percent, three-fourths of
32 one percent or one percent on the receipts from the sale at retail of all tangible personal property
33 or taxable services at retail within the museum and cultural district adopting such tax, if such
34 property and services are subject to taxation by ~~[the state of Missouri pursuant to the provisions~~
35 ~~of sections 144.010 to 144.525]~~ **this state under chapter 144**. Any museum and cultural
36 district sales tax imposed ~~[pursuant to]~~ **under** this section shall be imposed at a rate that shall
37 be uniform throughout the district.

38 7. On and after the effective date of any tax imposed ~~[pursuant to]~~ **under** this section,
39 the ~~[museum and cultural district]~~ **director of revenue** shall perform all functions incident to
40 the administration, collection, enforcement, and operation of the tax. The tax imposed ~~[pursuant~~

41 ~~to~~ **under** this section shall be collected and reported upon such forms and under such
42 administrative rules and regulations as may be prescribed by the ~~[museum and cultural district]~~
43 **director of revenue**.

44 8. All applicable provisions contained in ~~[sections 144.010 to 144.525]~~ **chapter 144**
45 governing the state sales tax, sections 32.085 ~~and~~ **to** 32.087, and section 32.057, the uniform
46 confidentiality provision, shall apply to the collection of the tax imposed by this section, except
47 as modified in this section. All revenue collected under this section by the director of the
48 department of revenue on behalf of the museum and cultural districts ~~[, except for one percent~~
49 ~~for the cost of collection which shall be deposited in the state's general revenue fund,]~~ shall be
50 deposited in a special trust fund, which is hereby created and shall be known as the "Missouri
51 Museum Cultural District Tax Fund", and shall be used solely for such designated purpose.
52 ~~[Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with~~
53 ~~any funds of the state.]~~ The director may make refunds from the amounts in the fund and
54 credited to the district for erroneous payments and overpayments made, and may redeem
55 dishonored checks and drafts deposited to the credit of such county.

56 9. All exemptions granted to agencies of government, organizations, persons and to the
57 sale of certain articles and items of tangible personal property and taxable services ~~[pursuant~~
58 ~~to the provisions of sections 144.010 to 144.525]~~ **under chapter 144** are hereby made
59 applicable to the imposition and collection of the tax imposed by this section.

60 10. The same sales tax permit, exemption certificate and retail certificate required ~~[by~~
61 ~~sections 144.010 to 144.525]~~ **under chapter 144** for the administration and collection of the
62 state sales tax shall satisfy the requirements of this section, and no additional permit or
63 exemption certificate or retail certificate shall be required; except that the museum and cultural
64 district may prescribe a form of exemption certificate for an exemption from the tax imposed
65 ~~[by]~~ **under** this section.

66 11. The penalties provided in section 32.057 and ~~[sections 144.010 to 144.525]~~ **chapter**
67 **144** for violation of those sections are hereby made applicable to violations of this section.

68 12. ~~[For the purpose of a sales tax imposed by a resolution pursuant to this section, all~~
69 ~~retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place~~
70 ~~of business of the retailer unless the tangible personal property sold is delivered by the retailer~~
71 ~~or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an~~
72 ~~out-of-state destination. In the event a retailer has more than one place of business in this state~~
73 ~~which participates in the sale, the sale shall be deemed to be consummated at the place of~~
74 ~~business of the retailer where the initial order for the tangible personal property is taken, even~~
75 ~~though the order shall be forwarded elsewhere for acceptance, approval of credit, shipment or~~

76 ~~billing. A sale by a retailer's employee shall be deemed to be consummated at the place of~~
77 ~~business from which the employee works.~~

78 ~~———13.] All sales taxes collected by the museum and cultural district shall be deposited by~~
79 ~~the museum and cultural district in a special fund to be expended for the purposes authorized~~
80 ~~in this section. The museum and cultural district shall keep accurate records of the amount of~~
81 ~~money which was collected [pursuant to] **under** this section, and the records shall be open to~~
82 ~~the inspection by the officers and directors of each museum and cultural district and the~~
83 ~~Missouri department of revenue. Tax returns filed by businesses within the district shall~~
84 ~~otherwise be considered as confidential in the same manner as sales tax returns filed with the~~
85 ~~Missouri department of revenue.~~

86 ~~[14.] 13.~~ No museum and cultural district imposing a sales tax ~~[pursuant to] **under**~~ this
87 section may repeal or amend such sales tax unless such repeal or amendment will not impair
88 the district's ability to repay any liabilities which it has incurred, money which it has borrowed
89 or revenue bonds, notes or other obligations which it has issued or which have been issued to
90 finance any project or projects.

91 **14. Except as modified in this section, all provisions under sections 32.085 to**
92 **32.087 shall apply to the tax imposed under this section.**

221.407. 1. The commission of any regional jail district may impose, by order, a sales
2 tax in the amount of one-eighth of one percent, one-fourth of one percent, three-eighths of one
3 percent, or one-half of one percent on all retail sales made in such region which are subject to
4 taxation ~~[pursuant to the provisions of sections 144.010 to 144.525]~~ **under chapter 144** for the
5 purpose of providing jail services and court facilities and equipment for such region. The tax
6 authorized by this section shall be in addition to any and all other sales taxes allowed by law,
7 except that no order imposing a sales tax ~~[pursuant to] **under**~~ this section shall be effective
8 unless the commission submits to the voters of the district, on any election date authorized in
9 chapter 115, a proposal to authorize the commission to impose a tax.

10 2. The ballot of submission shall contain, but need not be limited to, the following
11 language:

12 Shall the regional jail district of _____ (counties' names) impose a
13 region-wide sales tax of _____ (insert ~~amount~~ **rate of percent**) for the purpose of
14 providing jail services and court facilities and equipment for the region?

15 YES NO

16

17 If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed
18 to the question, place an "X" in the box opposite "No".

19

20 If a majority of the votes cast on the proposal by the qualified voters of the district voting
21 thereon are in favor of the proposal, then the order and any amendment to such order shall be
22 in effect ~~[on the first day of the second quarter immediately following the election approving~~
23 ~~the proposal]~~ **as provided by subsection 19 of section 32.087**. If the proposal receives less
24 than the required majority, the commission shall have no power to impose the sales tax
25 authorized ~~[pursuant to]~~ **under** this section unless and until the commission shall again have
26 submitted another proposal to authorize the commission to impose the sales tax authorized by
27 this section and such proposal is approved by the required majority of the qualified voters of the
28 district voting on such proposal; however, in no event shall a proposal ~~[pursuant to]~~ **under** this
29 section be submitted to the voters sooner than twelve months from the date of the last
30 submission of a proposal ~~[pursuant to]~~ **under** this section.

31 3. All revenue received by a district from the tax authorized ~~[pursuant to]~~ **under** this
32 section shall be deposited in a special trust fund and shall be used solely for providing jail
33 services and court facilities and equipment for such district for so long as the tax shall remain
34 in effect.

35 4. Once the tax authorized by this section is abolished or terminated by any means, all
36 funds remaining in the special trust fund shall be used solely for providing jail services and
37 court facilities and equipment for the district. Any funds in such special trust fund which are
38 not needed for current expenditures may be invested by the commission in accordance with
39 applicable laws relating to the investment of other county funds.

40 5. All sales taxes collected by the director of revenue ~~[pursuant to]~~ **under** this section
41 on behalf of any district ~~[-less one percent for cost of collection which shall be deposited in the~~
42 ~~state's general revenue fund after payment of premiums for surety bonds as provided in section~~
43 ~~32.087,]~~ shall be deposited in a special trust fund, which is hereby created, to be known as the
44 "Regional Jail District Sales Tax Trust Fund". The moneys in the regional jail district sales tax
45 trust fund shall not be deemed to be state funds and shall not be commingled with any funds of
46 the state. The director of revenue shall keep accurate records of the amount of money in the
47 trust fund which was collected in each district imposing a sales tax ~~[pursuant to]~~ **under** this
48 section, and the records shall be open to the inspection of officers of each member county and
49 the public. Not later than the tenth day of each month the director of revenue shall distribute
50 all moneys deposited in the trust fund during the preceding month to the district which levied
51 the tax. Such funds shall be deposited with the treasurer of each such district, and all
52 expenditures of funds arising from the regional jail district sales tax trust fund shall be paid
53 ~~[pursuant to]~~ **under** an appropriation adopted by the commission and shall be approved by the
54 commission. Expenditures may be made from the fund for any function authorized in the order
55 adopted by the commission submitting the regional jail district tax to the voters.

56 6. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds from the
57 amounts in the trust fund and credited to any district for erroneous payments and overpayments
58 made, and may redeem dishonored checks and drafts deposited to the credit of such districts.
59 If any district abolishes the tax, the commission shall notify the director of revenue of the action
60 ~~[at least ninety days]~~ prior to the effective date of the repeal, and **the repeal shall be effective**
61 **as provided by subsection 19 of section 32.087**. The director of revenue may order retention
62 in the trust fund, for a period of one year, of two percent of the amount collected after receipt
63 of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored
64 checks and drafts deposited to the credit of such accounts. After one year has elapsed after the
65 effective date of abolition of the tax in such district, the director of revenue shall remit the
66 balance in the account to the district and close the account of that district. The director of
67 revenue shall notify each district in each instance of any amount refunded or any check
68 redeemed from receipts due the district.

69 7. Except as provided in this section, all provisions of sections 32.085 ~~[and]~~ to 32.087
70 shall apply to the tax imposed ~~[pursuant to]~~ **under** this section.

71 8. The provisions of this section shall expire September 30, 2015.

238.235. 1. (1) Any transportation development district may by resolution impose a
2 transportation development district sales tax on all retail sales made in such transportation
3 development district which are subject to taxation ~~[pursuant to the provisions of sections~~
4 ~~144.010 to 144.525]~~ **under chapter 144**, except such transportation development district sales
5 tax shall not apply to the sale or use of motor vehicles, trailers, boats, ~~[or]~~ outboard motors ~~[nor~~
6 ~~to all sales of electricity or electrical current, water and gas, natural or artificial, nor to sales of~~
7 ~~service to telephone subscribers, either local or long distance]~~ , **electricity, piped natural or**
8 **artificial gas, or other fuels delivered by the seller**. Such transportation development district
9 sales tax may be imposed for any transportation development purpose designated by the
10 transportation development district in its ballot of submission to its qualified voters, except that
11 no resolution enacted ~~[pursuant to]~~ **under** the authority granted by this section shall be effective
12 unless:

13 (a) The board of directors of the transportation development district submits to the
14 qualified voters of the transportation development district a proposal to authorize the board of
15 directors of the transportation development district to impose or increase the levy of an existing
16 tax ~~[pursuant to the provisions of]~~ **under** this section; or

17 (b) The voters approved the question certified by the petition filed ~~[pursuant to]~~ **under**
18 subsection 5 of section 238.207.

19 (2) If the transportation district submits to the qualified voters of the transportation
20 development district a proposal to authorize the board of directors of the transportation

21 development district to impose or increase the levy of an existing tax ~~[pursuant to]~~ **under** the
 22 provisions of paragraph (a) of subdivision (1) of this subsection, the ballot of submission shall
 23 contain, but need not be limited to, the following language:

24 Shall the transportation development district of _____ (transportation
 25 development district's name) impose a transportation development district-wide sales tax at the
 26 rate of _____ (insert ~~[amount]~~ **rate of percent**) for a period of _____ (insert
 27 number) years from the date on which such tax is first imposed for the purpose of
 28 _____ (insert transportation development purpose)?

29 YES NO

30

31 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
 32 to the question, place an "X" in the box opposite "NO".

33

34 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
 35 of the proposal, then the resolution and any amendments thereto shall be in effect **as provided**
 36 **by subsection 19 of section 32.087**. If a majority of the votes cast by the qualified voters
 37 voting are opposed to the proposal, then the board of directors of the transportation development
 38 district shall have no power to impose the sales tax authorized by this section unless and until
 39 the board of directors of the transportation development district shall again have submitted
 40 another proposal to authorize it to impose the sales tax ~~[pursuant to the provisions of]~~ **under**
 41 this section and such proposal is approved by a majority of the qualified voters voting thereon.

42 (3) ~~[The sales tax authorized by this section shall become effective on the first day of~~
 43 ~~the second calendar quarter after the department of revenue receives notification of the tax.~~

44 ~~————(4) In each transportation development district in which a sales tax has been imposed~~
 45 ~~in the manner provided by this section, every retailer shall add the tax imposed by the~~
 46 ~~transportation development district pursuant to this section to the retailer's sale price, and when~~
 47 ~~so added such tax shall constitute a part of the price, shall be a debt of the purchaser to the~~
 48 ~~retailer until paid, and shall be recoverable at law in the same manner as the purchase price.~~

49 ~~————(5) In order to permit sellers required to collect and report the sales tax authorized by~~
 50 ~~this section to collect the amount required to be reported and remitted, but not to change the~~
 51 ~~requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid~~
 52 ~~fractions of pennies, the transportation development district may establish appropriate brackets~~
 53 ~~which shall be used in the district imposing a tax pursuant to this section in lieu of those~~
 54 ~~brackets provided in section 144.285.~~

55 ~~————(6)] All revenue received by a transportation development district from the tax~~
 56 ~~authorized by this section which has been designated for a certain transportation development~~

57 purpose shall be deposited in a special trust fund and shall be used solely for such designated
58 purpose. Upon the expiration of the period of years approved by the qualified voters [~~pursuant~~
59 ~~to~~] **under** subdivision (2) of this subsection or if the tax authorized [~~by~~] **under** this section is
60 repealed [~~pursuant to~~] **under** subsection [~~6~~] **4** of this section, all funds remaining in the special
61 trust fund shall continue to be used solely for such designated transportation development
62 purpose. Any funds in such special trust fund which are not needed for current expenditures
63 may be invested by the board of directors in accordance with applicable laws relating to the
64 investment of other transportation development district funds.

65 [~~(7)~~] **(4)** The sales tax may be imposed in increments of one-eighth of one percent, up
66 to a maximum of one percent on the receipts from the sale at retail of all tangible personal
67 property or taxable services at retail within the transportation development district adopting
68 such tax, if such property and services are subject to taxation by [~~the state of Missouri pursuant~~
69 ~~to the provisions of sections 144.010 to 144.525~~] **this state under chapter 144**, except such
70 transportation development district sales tax shall not apply to the sale or use of motor vehicles,
71 trailers, boats or outboard motors [~~nor to public utilities~~]. Any transportation development
72 district sales tax imposed [~~pursuant to~~] **under** this section shall be imposed at a rate that shall
73 be uniform throughout the district.

74 2. The resolution imposing the sales tax [~~pursuant to~~] **under** this section shall impose
75 upon all sellers a tax for the privilege of engaging in the business of selling tangible personal
76 property or rendering taxable services at retail to the extent and in the manner provided [~~in~~
77 ~~sections 144.010 to 144.525~~] **under chapter 144**, and the rules and regulations of the director
78 of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by
79 the resolution as the sales tax and the tax shall be reported and returned to and collected by the
80 transportation development district.

81 3. [~~On and after the effective date of any tax imposed pursuant to this section, the~~
82 ~~director of revenue shall perform all functions incident to the administration, collection,~~
83 ~~enforcement, and operation of the tax, and the director of revenue shall collect, in addition to~~
84 ~~all other sales taxes imposed by law, the additional tax authorized pursuant to this section. The~~
85 ~~tax imposed pursuant to this section and the taxes imposed pursuant to all other laws of the state~~
86 ~~of Missouri shall be collected together and reported upon such forms and pursuant to such~~
87 ~~administrative rules and regulations as may be prescribed by the director of revenue.~~

88 ——— 4. (1) All applicable provisions contained in sections 144.010 to 144.525, governing
89 the state sales tax, sections 32.085 and 32.087 and section 32.057, the uniform confidentiality
90 provision, shall apply to the collection of the tax imposed by this section, except as modified
91 in this section.

92 ~~———(2) All exemptions granted to agencies of government, organizations, persons and to~~
93 ~~the sale of certain articles and items of tangible personal property and taxable services pursuant~~
94 ~~to the provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition~~
95 ~~and collection of the tax imposed by this section.~~

96 ~~———(3) The same sales tax permit, exemption certificate and retail certificate required by~~
97 ~~sections 144.010 to 144.525 for the administration and collection of the state sales tax shall~~
98 ~~satisfy the requirements of this section, and no additional permit or exemption certificate or~~
99 ~~retail certificate shall be required; except that the transportation development district may~~
100 ~~prescribe a form of exemption certificate for an exemption from the tax imposed by this section.~~

101 ~~———(4) All discounts allowed the retailer pursuant to the provisions of the state sales tax~~
102 ~~laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and~~
103 ~~made applicable to any taxes collected pursuant to the provisions of this section.~~

104 ~~———(5) The penalties provided in section 32.057 and sections 144.010 to 144.525 for~~
105 ~~violation of those sections are hereby made applicable to violations of this section.~~

106 ~~———(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all~~
107 ~~retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place~~
108 ~~of business of the retailer unless the tangible personal property sold is delivered by the retailer~~
109 ~~or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an~~
110 ~~out-of-state destination. In the event a retailer has more than one place of business in this state~~
111 ~~which participates in the sale, the sale shall be deemed to be consummated at the place of~~
112 ~~business of the retailer where the initial order for the tangible personal property is taken, even~~
113 ~~though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or~~
114 ~~billing. A sale by a retailer's employee shall be deemed to be consummated at the place of~~
115 ~~business from which the employee works.~~

116 ~~———5.] All sales taxes received by the transportation development district shall be deposited~~
117 ~~by the director of revenue in a special fund to be expended for the purposes authorized in this~~
118 ~~section. The director of revenue shall keep accurate records of the amount of money which was~~
119 ~~collected [pursuant to] **under** this section, and the records shall be open to the inspection of~~
120 ~~officers of each transportation development district and the general public.~~

121 ~~[6:] 4. (1) No transportation development district imposing a sales tax [pursuant to]~~
122 ~~**under** this section may repeal or amend such sales tax unless such repeal or amendment will~~
123 ~~not impair the district's ability to repay any liabilities which it has incurred, money which it has~~
124 ~~borrowed or revenue bonds, notes or other obligations which it has issued or which have been~~
125 ~~issued by the commission or any local transportation authority to finance any project or projects.~~

126 (2) Whenever the board of directors of any transportation development district in which
127 a transportation development sales tax has been imposed in the manner provided by this section

128 receives a petition, signed by ten percent of the qualified voters calling for an election to repeal
129 such transportation development sales tax, the board of directors shall, if such repeal will not
130 impair the district's ability to repay any liabilities which it has incurred, money which it has
131 borrowed or revenue bonds, notes or other obligations which it has issued or which have been
132 issued by the commission or any local transportation authority to finance any project or projects,
133 submit to the qualified voters of such transportation development district a proposal to repeal
134 the transportation development sales tax imposed ~~[pursuant to the provisions of]~~ **under** this
135 section. If a majority of the votes cast on the proposal by the qualified voters voting thereon are
136 in favor of the proposal to repeal the transportation development sales tax, then the resolution
137 imposing the transportation development sales tax, along with any amendments thereto, is
138 repealed **as provided by subsection 19 of section 32.087**. If a majority of the votes cast by the
139 qualified voters voting thereon are opposed to the proposal to repeal the transportation
140 development sales tax, then the ordinance or resolution imposing the transportation
141 development sales tax, along with any amendments thereto, shall remain in effect.

142 ~~[7-]~~ **5.** Notwithstanding any provision of sections 99.800 to 99.865 and this section to
143 the contrary, the sales tax imposed by a district whose project is a public mass transportation
144 system shall not be considered economic activity taxes as such term is defined under sections
145 99.805 and 99.918 and shall not be subject to allocation under the provisions of subsection 3
146 of section 99.845, or subsection 4 of section 99.957.

147 **6. After the effective date of any tax imposed under the provisions of this section,**
148 **the director of revenue shall perform all functions incident to the administration,**
149 **collection, enforcement, and operation of the tax and collect, in addition to the sales tax**
150 **for the state of Missouri, the additional tax authorized under the authority of this section.**
151 **The tax imposed under this section and the tax imposed under the sales tax law of the**
152 **state of Missouri shall be collected together and reported upon such forms and under such**
153 **administrative rules and regulations as may be prescribed by the director of revenue.**

154 **7. Except as provided in this section, all provisions of sections 32.085 to 32.087**
155 **shall apply to the tax imposed under this section.**

238.410. 1. Any county transit authority established ~~[pursuant to]~~ **under** section
2 238.400 may impose a sales tax of up to one percent on all retail sales made in such county
3 which are subject to taxation under ~~[the provisions of sections 144.010 to 144.525]~~ **chapter**
4 **144**. The tax authorized by this section shall be in addition to any and all other sales taxes
5 allowed by law, except that no sales tax imposed under the provisions of this section shall be
6 effective unless the governing body of the county, on behalf of the transit authority, submits to
7 the voters of the county, at a county or state general, primary or special election, a proposal to
8 authorize the transit authority to impose a tax.

9 2. The ballot of submission shall contain, but need not be limited to, the following
10 language:

11 Shall the _____ Transit Authority impose a countywide sales tax of
12 _____ (insert ~~[amount]~~ **rate of percent**) in order to provide revenues for the operation
13 of transportation facilities operated by the transit authority?

14 YES NO

15

16 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
17 to the question, place an "X" in the box opposite "NO".

18

19

20 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
21 of the proposal, then the tax shall become effective ~~[on the first day of the second calendar~~
22 ~~quarter following notification to the department of revenue of adoption of the tax]~~ **as provided**
23 **by subsection 19 of section 32.087**. If a majority of the votes cast by the qualified voters
24 voting are opposed to the proposal, then the transit authority shall have no power to impose the
25 sales tax authorized by this section unless and until another proposal to authorize the transit
26 authority to impose the sales tax authorized by this section has been submitted and such
27 proposal is approved by a majority of the qualified voters voting thereon.

28 3. All revenue received by the transit authority from the tax authorized under the
29 provisions of this section shall be deposited in a special trust fund and shall be used solely by
30 the transit authority for construction, purchase, lease, maintenance and operation of
31 transportation facilities located within the county for so long as the tax shall remain in effect.
32 Any funds in such special trust fund which are not needed for current expenditures may be
33 invested by the transit authority in accordance with applicable laws relating to the investment
34 of county funds.

35 4. No transit authority imposing a sales tax ~~[pursuant to]~~ **under** this section may repeal
36 or amend such sales tax unless such repeal or amendment is submitted to and approved by the
37 voters of the county in the same manner as provided ~~[in]~~ **under** subsection 1 of this section for
38 approval of such tax. Whenever the governing body of any county in which a sales tax has been
39 imposed in the manner provided by this section receives a petition, signed by ten percent of the
40 registered voters of such county voting in the last gubernatorial election, calling for an election
41 to repeal such sales tax, the governing body shall submit to the voters of such county a proposal
42 to repeal the sales tax imposed under ~~[the provisions of]~~ this section. If a majority of the votes
43 cast on the proposal by the registered voters voting thereon are in favor of the proposal to repeal
44 the sales tax, then such sales tax is repealed **as provided by subsection 19 of section 32.087**.

45 If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal
46 to repeal the sales tax, then such sales tax shall remain in effect.

47 5. The sales tax imposed under the provisions of this section shall impose upon all
48 sellers a tax for the privilege of engaging in the business of selling tangible personal property
49 or rendering taxable services at retail to the extent and in the manner provided [~~in sections~~
50 ~~144.010 to 144.525~~] **under chapter 144** and the rules and regulations of the director of revenue
51 issued pursuant thereto; except that the rate of the tax shall be the rate approved [~~pursuant to~~
52 **under** this section. The amount reported and returned to the director of revenue by the seller
53 shall be computed on the basis of the combined rate of the tax imposed [~~by sections 144.010~~
54 ~~to 144.525~~] **under chapter 144** and the tax imposed by this section, plus any amounts imposed
55 under other provisions of law.

56 6. After the effective date of any tax imposed under the provisions of this section, the
57 director of revenue shall perform all functions incident to the administration, collection,
58 enforcement, and operation of the tax, and the director of revenue shall collect in addition to the
59 sales tax for the state of Missouri the additional tax authorized under the authority of this
60 section. The tax imposed under this section and the tax imposed under the sales tax law of the
61 state of Missouri shall be collected together and reported upon such forms and under such
62 administrative rules and regulations as may be prescribed by the director of revenue. In order
63 to permit sellers required to collect and report the sales tax to collect the amount required to be
64 reported and remitted, but not to change the requirements of reporting or remitting tax or to
65 serve as a levy of the tax, and in order to avoid fractions of pennies, the applicable provisions
66 of section 144.285 shall apply to all taxable transactions.

67 7. All applicable provisions contained in [~~sections 144.010 to 144.525~~] **chapter 144**
68 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall
69 apply to the collection of the tax imposed by this section, except as modified in this section.
70 All exemptions granted to agencies of government, organizations, persons and to the sale of
71 certain articles and items of tangible personal property and taxable services under the provisions
72 of [~~sections 144.010 to 144.525~~] **chapter 144** are hereby made applicable to the imposition and
73 collection of the tax imposed by this section. The same sales tax permit, exemption certificate
74 and retail certificate required [~~by sections 144.010 to 144.525~~] **under chapter 144** for the
75 administration and collection of the state sales tax shall satisfy the requirements of this section,
76 and no additional permit or exemption certificate or retail certificate shall be required; except
77 that the director of revenue may prescribe a form of exemption certificate for an exemption
78 from the tax imposed by this section. All discounts allowed the retailer under the provisions
79 of the state sales tax law for the collection of and for payment of taxes under chapter 144 are
80 hereby allowed and made applicable to any taxes collected under the provisions of this section.

81 The penalties provided in section 32.057 and ~~[sections 144.010 to 144.525]~~ **chapter 144** for a
82 violation of those sections are hereby made applicable to violations of this section.

83 8. ~~[For the purposes of a sales tax imposed pursuant to this section, all retail sales shall
84 be deemed to be consummated at the place of business of the retailer, except for tangible
85 personal property sold which is delivered by the retailer or his agent to an out-of-state
86 destination or to a common carrier for delivery to an out-of-state destination and except for the
87 sale of motor vehicles, trailers, boats and outboard motors, which is provided for in subsection
88 12 of this section. In the event a retailer has more than one place of business in this state which
89 participates in the sale, the sale shall be deemed to be consummated at the place of business of
90 the retailer where the initial order for the tangible personal property is taken, even though the
91 order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A
92 sale by a retailer's employee shall be deemed to be consummated at the place of business from
93 which he works.~~

94 ~~9.]~~ All sales taxes collected by the director of revenue under this section on behalf of any
95 transit authority~~], less one percent for cost of collection which shall be deposited in the state's
96 general revenue fund after payment of premiums for surety bonds as provided in this section,]~~
97 shall be deposited in the state treasury in a special trust fund, which is hereby created, to be
98 known as the "County Transit Authority Sales Tax Trust Fund". ~~[The moneys in the county
99 transit authority sales tax trust fund shall not be deemed to be state funds and shall not be
100 commingled with any funds of the state.]~~ The director of revenue shall keep accurate records
101 of the amount of money in the trust fund which was collected in each transit authority imposing
102 a sales tax under this section, and the records shall be open to the inspection of officers of the
103 county and the public. Not later than the tenth day of each month the director of revenue shall
104 distribute all moneys deposited in the trust fund during the preceding month to the transit
105 authority which levied the tax.

106 ~~[10.]~~ 9. The director of revenue may ~~[authorize the state treasurer to]~~ make refunds
107 from the amounts in the trust fund and credited to any transit authority for erroneous payments
108 and overpayments made, and may ~~[authorize the state treasurer to]~~ redeem dishonored checks
109 and drafts deposited to the credit of such transit authorities. If any transit authority abolishes
110 the tax, the transit authority shall notify the director of revenue of the action ~~[at least ninety
111 days]~~ prior to the effective date of the repeal, and **the repeal shall be effective as provided by
112 subsection 19 of section 32.087.** The director of revenue may order retention in the trust fund,
113 for a period of one year, of two percent of the amount collected after receipt of such notice to
114 cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts
115 deposited to the credit of such accounts. After one year has elapsed after the effective date of
116 abolition of the tax in such transit authority, the director of revenue shall ~~[authorize the state~~

117 ~~treasurer to~~ remit the balance in the account to the transit authority and close the account of that
118 transit authority. The director of revenue shall notify each transit authority of each instance of
119 any amount refunded or any check redeemed from receipts due the transit authority. The
120 director of revenue shall annually report on his management of the trust fund and administration
121 of the sales taxes authorized by this section. He shall provide each transit authority imposing
122 the tax authorized by this section with a detailed accounting of the source of all funds received
123 by him for the transit authority.

124 ~~[11.]~~ **10.** The director of revenue and any of his deputies, assistants and employees who
125 shall have any duties or responsibilities in connection with the collection, deposit, transfer,
126 transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the
127 hands of the director of revenue under the provisions of this section shall enter a surety bond
128 or bonds payable to any and all transit authorities in whose behalf such funds have been
129 collected under this section in the amount of one hundred thousand dollars; but the director of
130 revenue may enter into a blanket bond or bonds covering himself and all such deputies,
131 assistants and employees. The cost of the premium or premiums for the surety bond or bonds
132 shall be paid by the director of revenue from the share of the collection retained by the director
133 of revenue for the benefit of the state.

134 ~~[12.]~~ **11.** Sales taxes imposed ~~[pursuant to]~~ **under** this section and use taxes on the
135 purchase and sale of motor vehicles, trailers, boats, and outboard motors shall not be collected
136 and remitted by the seller, but shall be collected by the director of revenue at the time
137 application is made for a certificate of title, if the address of the applicant is within a county
138 where a sales tax is imposed under this section. The amounts so collected, less the one percent
139 collection cost, shall be deposited in the county transit authority sales tax trust fund. The
140 purchase or sale of motor vehicles, trailers, boats, and outboard motors shall be deemed to be
141 consummated at the address of the applicant. As used in this subsection, the term "boat" shall
142 only include motorboats and vessels as the terms "motorboat" and "vessel" are defined in
143 section 306.010.

144 ~~[13.]~~ **12.** In any county where the transit authority sales tax has been imposed, if any
145 person is delinquent in the payment of the amount required to be paid by him under this section
146 or in the event a determination has been made against him for taxes and penalty under this
147 section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall
148 be the same as that provided ~~[in sections 144.010 to 144.525]~~ **under chapter 144.** Where the
149 director of revenue has determined that suit must be filed against any person for the collection
150 of delinquent taxes due the state under the state sales tax law, and where such person is also
151 delinquent in payment of taxes under this section, the director of revenue shall notify the transit
152 authority to which delinquent taxes are due under this section by United States registered mail

153 or certified mail at least ten days before turning the case over to the attorney general. The
154 transit authority, acting through its attorney, may join in such suit as a party plaintiff to seek a
155 judgment for the delinquent taxes and penalty due such transit authority. In the event any
156 person fails or refuses to pay the amount of any sales tax due under this section, the director of
157 revenue shall promptly notify the transit authority to which the tax would be due so that
158 appropriate action may be taken by the transit authority.

159 ~~[14.]~~ **13.** Where property is seized by the director of revenue under the provisions of
160 any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the
161 tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment
162 of any tax imposed by this section, the director of revenue shall permit the transit authority to
163 join in any sale of property to pay the delinquent taxes and penalties due the state and to the
164 transit authority under this section. The proceeds from such sale shall first be applied to all
165 sums due the state, and the remainder, if any, shall be applied to all sums due such transit
166 authority under this section.

167 ~~[15. The transit authority created under the provisions of sections 238.400 to 238.412~~
168 ~~shall notify any and all affected businesses of the change in tax rate caused by the imposition~~
169 ~~of the tax authorized by sections 238.400 to 238.412.~~

170 ~~———16.]~~ **14.** In the event that any transit authority in any county with a charter form of
171 government and with more than two hundred fifty thousand but fewer than three hundred fifty
172 thousand inhabitants submits a proposal in any election to increase the sales tax under this
173 section, and such proposal is approved by the voters, the county shall be reimbursed for the
174 costs of submitting such proposal from the funds derived from the tax levied under this section.

175 **15. Except as provided in sections 238.400 to 238.412, all provisions of sections**
176 **32.085 to 32.087 shall apply to the tax imposed under sections 238.410 and 238.412.**

644.032. 1. The governing body of any municipality or county may impose, by
2 ordinance or order, a sales tax in an amount not to exceed one-half of one percent on all retail
3 sales made in such municipality or county which are subject to taxation under the provisions
4 of ~~[sections 144.010 to 144.525]~~ **chapter 144.** The tax authorized by this section and section
5 644.033 shall be in addition to any and all other sales taxes allowed by law, except that no
6 ordinance or order imposing a sales tax under the provisions of this section and section 644.033
7 shall be effective unless the governing body of the municipality or county submits to the voters
8 of the municipality or county, at a municipal, county or state general, primary or special
9 election, a proposal to authorize the governing body of the municipality or county to impose a
10 tax, provided, that the tax authorized by this section shall not be imposed on the sales of food,
11 as defined in section 144.014, when imposed by any county with a charter form of government
12 and with more than one million inhabitants.

7 to 94.857, may be delegated to the county levying the county sales tax under
 8 sections 66.600 to 66.630, at the discretion of the director of revenue and with
 9 the consent of the county. Notwithstanding the provisions of section 32.057 to
 10 the contrary, if such duties are so assigned, the director of revenue shall furnish
 11 the county with sufficient information to perform such duties in such form as
 12 may be agreed upon by the director and the county at no cost to the county. The
 13 county shall be bound by the provisions of section 32.057, and shall use any
 14 information provided by the director of revenue under the provisions of this
 15 section solely for the purpose of allocating, dividing and distributing such sales
 16 and use tax revenues. The county shall exercise all of the director's powers and
 17 duties with respect to such allocation, division and distribution, and shall receive
 18 no fee for carrying out such powers and duties.]
 19

2 [67.1713. Beginning January 1, 2002, there is hereby specifically
 3 exempted from the tax imposed pursuant to section 67.1712 all sales of food as
 4 defined by section 144.014.]

2 [67.1971. All entities remitting the sales tax authorized pursuant to
 3 section 67.1959 shall have their liability reduced by an amount equal to
 4 twenty-five percent of any taxes collected and remitted pursuant to sections
 5 94.802 to 94.805.]

2 [144.043. 1. As used in this section, the following terms mean:
 3 (1) "Light aircraft", a light airplane that seats no more than four persons,
 4 with a gross weight of three thousand pounds or less, which is primarily used for
 5 recreational flying or flight training;
 6 (2) "Light aircraft kit", factory manufactured parts and components,
 7 including engine, propeller, instruments, wheels, brakes, and air frame parts
 8 which make up a complete aircraft kit or partial kit designed to be assembled
 9 into a light aircraft and then operated by a qualified purchaser for recreational
 10 and educational purposes;
 11 (3) "Parts and components", manufactured light aircraft parts, including
 12 air frame and engine parts, that are required by the qualified purchaser to
 13 complete a light aircraft kit, or spare or replacement parts for an already
 14 completed light aircraft;
 15 (4) "Qualified purchaser", a purchaser of a light aircraft, light aircraft kit,
 16 parts or components who is nonresident of this state, who will transport the light
 17 aircraft, light aircraft kit, parts or components outside this state within ten days
 18 after the date of purchase, and who will register any light aircraft so purchased
 19 in another state or country. Such purchaser shall not base such aircraft in this
 20 state and such purchaser shall not be a resident of the state unless such purchaser
 has paid sales or use tax on such aircraft in another state.

21 ~~2. In addition to the exemptions granted under the provisions of section~~
22 ~~144.030, there shall also be specifically exempted from the provisions of~~
23 ~~sections 144.010 to 144.525, sections 144.600 to 144.748, section 238.235, and~~
24 ~~from the provisions of any local sales tax law, as defined in section 32.085, and~~
25 ~~from the computation of the tax levied, assessed or payable under sections~~
26 ~~144.010 to 144.525, sections 144.600 to 144.748, section 238.235, and under~~
27 ~~any local sales tax law, as defined in section 32.085, all sales of new light~~
28 ~~aircraft, light aircraft kits, parts or components manufactured or substantially~~
29 ~~completed within this state, when such new light aircraft, light aircraft kits, parts~~
30 ~~or components are sold by the manufacturer to a qualified purchaser. The~~
31 ~~director of revenue shall prescribe the manner for a purchaser of a light aircraft,~~
32 ~~light aircraft kit, parts or components to establish that such person is a qualified~~
33 ~~purchaser and is eligible for the exemption established in this section.]~~
34

2 ~~[144.069. All sales taxes associated with the titling of motor~~
3 ~~vehicles, trailers, boats and outboard motors under the laws of Missouri~~
4 ~~shall be imposed at the rate in effect at the location of the address of the~~
5 ~~owner thereof, and all sales taxes associated with the titling of vehicles~~
6 ~~under leases of over sixty-day duration of motor vehicles, trailers, boats~~
7 ~~and outboard motors shall be imposed at the rate in effect, unless the~~
8 ~~vehicle, trailer, boat or motor has been registered and sales taxes have~~
9 ~~been paid prior to the consummation of the lease agreement at the~~
10 ~~location of the address of the lessee thereof on the date the lease is~~
11 ~~consummated, and all applicable sales taxes levied by any political~~
12 ~~subdivision shall be collected and remitted on such sales from the~~
13 ~~purchaser or lessee by the state department of revenue on that basis.]~~

2 ~~[144.517. In addition to the exemptions granted pursuant to~~
3 ~~section 144.030, there shall also be exempted from state sales and use~~
4 ~~taxes all sales of textbooks, as defined by section 170.051, when such~~
5 ~~textbook is purchased by a student who possesses proof of current~~
6 ~~enrollment at any Missouri public or private university, college or other~~
7 ~~postsecondary institution of higher learning offering a course of study~~
8 ~~leading to a degree in the liberal arts, humanities or sciences or in a~~
9 ~~professional, vocational or technical field, provided that the books which~~
10 ~~are exempt from state sales tax are those required or recommended for~~
11 ~~a class. Upon request the institution or department must provide at least~~
12 ~~one list of textbooks to the bookstore each semester. Alternately, the~~
13 ~~student may provide to the bookstore a list from the instructor,~~
14 ~~department or institution of his or her required or recommended~~
15 ~~textbooks. This exemption shall not apply to any locally imposed sales~~
16 ~~or use tax.]~~

~~[144.605. The following words and phrases as used in sections 144.600 to 144.745 mean and include:~~

~~(1) "Calendar quarter", the period of three consecutive calendar months ending on March thirty-first, June thirtieth, September thirtieth or December thirty-first;~~

~~(2) "Engages in business activities within this state" includes:~~

~~(a) Maintaining or having a franchisee or licensee operating under the seller's trade name in this state if the franchisee or licensee is required to collect sales tax pursuant to sections 144.010 to 144.525;~~

~~(b) Soliciting sales or taking orders by sales agents or traveling representatives;~~

~~(c) A vendor is presumed to engage in business activities within this state if any person, other than a common carrier acting in its capacity as such, that has substantial nexus with this state:~~

~~a. Sells a similar line of products as the vendor and does so under the same or a similar business name;~~

~~b. Maintains an office, distribution facility, warehouse, or storage place, or similar place of business in the state to facilitate the delivery of property or services sold by the vendor to the vendor's customers;~~

~~c. Delivers, installs, assembles, or performs maintenance services for the vendor's customers within the state;~~

~~d. Facilitates the vendor's delivery of property to customers in the state by allowing the vendor's customers to pick up property sold by the vendor at an office, distribution facility, warehouse, storage place, or similar place of business maintained by the person in the state; or~~

~~e. Conducts any other activities in the state that are significantly associated with the vendor's ability to establish and maintain a market in the state for the sales;~~

~~(d) The presumption in paragraph (c) may be rebutted by demonstrating that the person's activities in the state are not significantly associated with the vendor's ability to establish or maintain a market in this state for the vendor's sales;~~

~~(e) Notwithstanding paragraph (c), a vendor shall be presumed to engage in business activities within this state if the vendor enters into an agreement with one or more residents of this state under which the resident, for a commission or other consideration, directly or indirectly refers potential customers, whether by a link on an internet website, an in-person oral presentation, telemarketing, or otherwise, to the vendor, if the cumulative gross receipts from sales by the vendor to customers in the state who are referred to the vendor by all residents with this type of an agreement with the vendor is in excess of ten thousand dollars during the preceding twelve months;~~

43 ~~_____ (f) The presumption in paragraph (e) may be rebutted by~~
44 ~~submitting proof that the residents with whom the vendor has an~~
45 ~~agreement did not engage in any activity within the state that was~~
46 ~~significantly associated with the vendor's ability to establish or maintain~~
47 ~~the vendor's market in the state during the preceding twelve months.~~
48 ~~Such proof may consist of sworn written statements from all of the~~
49 ~~residents with whom the vendor has an agreement stating that they did~~
50 ~~not engage in any solicitation in the state on behalf of the vendor during~~
51 ~~the preceding year provided that such statements were provided and~~
52 ~~obtained in good faith;~~

53 ~~_____ (3) "Maintains a place of business in this state" includes~~
54 ~~maintaining, occupying, or using, permanently or temporarily, directly~~
55 ~~or indirectly, by whatever name called, an office, place of distribution,~~
56 ~~sales or sample room or place, warehouse or storage place, or other place~~
57 ~~of business in this state, whether owned or operated by the vendor or by~~
58 ~~any other person other than a common carrier acting in its capacity as~~
59 ~~such;~~

60 ~~_____ (4) "Person", any individual, firm, copartnership, joint venture,~~
61 ~~association, corporation, municipal or private, and whether organized for~~
62 ~~profit or not, state, county, political subdivision, state department,~~
63 ~~commission, board, bureau or agency, except the state transportation~~
64 ~~department, estate, trust, business trust, receiver or trustee appointed by~~
65 ~~the state or federal court, syndicate, or any other group or combination~~
66 ~~acting as a unit, and the plural as well as the singular number;~~

67 ~~_____ (5) "Purchase", the acquisition of the ownership of, or title to,~~
68 ~~tangible personal property, through a sale, as defined herein, for the~~
69 ~~purpose of storage, use or consumption in this state;~~

70 ~~_____ (6) "Purchaser", any person who is the recipient for a valuable~~
71 ~~consideration of any sale of tangible personal property acquired for use,~~
72 ~~storage or consumption in this state;~~

73 ~~_____ (7) "Sale", any transfer, barter or exchange of the title or~~
74 ~~ownership of tangible personal property, or the right to use, store or~~
75 ~~consume the same, for a consideration paid or to be paid, and any~~
76 ~~transaction whether called leases, rentals, bailments, loans, conditional~~
77 ~~sales or otherwise, and notwithstanding that the title or possession of the~~
78 ~~property or both is retained for security. For the purpose of this law the~~
79 ~~place of delivery of the property to the purchaser, user, storer or~~
80 ~~consumer is deemed to be the place of sale, whether the delivery be by~~
81 ~~the vendor or by common carriers, private contractors, mails, express,~~
82 ~~agents, salesmen, solicitors, hawkers, representatives, consignors,~~
83 ~~peddlers, canvassers or otherwise;~~

84 ~~_____ (8) "Sales price", the consideration including the charges for~~
85 ~~services, except charges incident to the extension of credit, paid or~~

86 given, or contracted to be paid or given, by the purchaser to the vendor
87 for the tangible personal property, including any services that are a part
88 of the sale, valued in money, whether paid in money or otherwise, and
89 any amount for which credit is given to the purchaser by the vendor,
90 without any deduction therefrom on account of the cost of the property
91 sold, the cost of materials used, labor or service cost, losses or any other
92 expenses whatsoever, except that cash discounts allowed and taken on
93 sales shall not be included and "sales price" shall not include the amount
94 charged for property returned by customers upon rescission of the
95 contract of sales when the entire amount charged therefor is refunded
96 either in cash or credit or the amount charged for labor or services
97 rendered in installing or applying the property sold, the use, storage or
98 consumption of which is taxable pursuant to sections 144.600 to
99 144.745. The sales price shall not include usual and customary delivery
100 charges that are separately stated. In determining the amount of tax due
101 pursuant to sections 144.600 to 144.745, any charge incident to the
102 extension of credit shall be specifically exempted;

103 ~~————— (9) "Selling agent", every person acting as a representative of a~~
104 ~~principal, when such principal is not registered with the director of~~
105 ~~revenue of the state of Missouri for the collection of the taxes imposed~~
106 ~~pursuant to sections 144.010 to 144.525 or sections 144.600 to 144.745~~
107 ~~and who receives compensation by reason of the sale of tangible~~
108 ~~personal property of the principal, if such property is to be stored, used,~~
109 ~~or consumed in this state;~~

110 ~~————— (10) "Storage", any keeping or retention in this state of tangible~~
111 ~~personal property purchased from a vendor, except property for sale or~~
112 ~~property that is temporarily kept or retained in this state for subsequent~~
113 ~~use outside the state;~~

114 ~~————— (11) "Tangible personal property", all items subject to the~~
115 ~~Missouri sales tax as provided in subdivisions (1) and (3) of section~~
116 ~~144.020;~~

117 ~~————— (12) "Taxpayer", any person remitting the tax or who should~~
118 ~~remit the tax levied by sections 144.600 to 144.745;~~

119 ~~————— (13) "Use", the exercise of any right or power over tangible~~
120 ~~personal property incident to the ownership or control of that property,~~
121 ~~except that it does not include the temporary storage of property in this~~
122 ~~state for subsequent use outside the state, or the sale of the property in~~
123 ~~the regular course of business;~~

124 ~~————— (14) "Vendor", every person engaged in making sales of tangible~~
125 ~~personal property by mail order, by advertising, by agent or peddling~~
126 ~~tangible personal property, soliciting or taking orders for sales of~~
127 ~~tangible personal property, for storage, use or consumption in this state,~~
128 ~~all salesmen, solicitors, hawkers, representatives, consignees, peddlers~~

129 ~~or canvassers, as agents of the dealers, distributors, consignors,~~
 130 ~~supervisors, principals or employers under whom they operate or from~~
 131 ~~whom they obtain the tangible personal property sold by them, and every~~
 132 ~~person who maintains a place of business in this state, maintains a stock~~
 133 ~~of goods in this state, or engages in business activities within this state~~
 134 ~~and every person who engages in this state in the business of acting as~~
 135 ~~a selling agent for persons not otherwise vendors as defined in this~~
 136 ~~subdivision. Irrespective of whether they are making sales on their own~~
 137 ~~behalf or on behalf of the dealers, distributors, consignors, supervisors,~~
 138 ~~principals or employers, they must be regarded as vendors and the~~
 139 ~~dealers, distributors, consignors, supervisors, principals or employers~~
 140 ~~must be regarded as vendors for the purposes of sections 144.600 to~~
 141 ~~144.745.]~~
 142

2 ~~[144.1000. Sections 144.1000 to 144.1015 shall be known as and~~
 3 ~~referred to as the "Simplified Sales and Use Tax Administration Act".]~~

2 ~~[144.1003. As used in sections 144.1000 to 144.1015, the~~
 3 ~~following terms shall mean:~~

- 3 ~~———— (1) "Agreement", the streamlined sales and use tax agreement;~~
- 4 ~~———— (2) "Certified automated system", software certified jointly by~~
 5 ~~the states that are signatories to the agreement to calculate the tax~~
 6 ~~imposed by each jurisdiction on a transaction, determine the amount of~~
 7 ~~tax to remit to the appropriate state and maintain a record of the~~
 8 ~~transaction;~~
- 9 ~~———— (3) "Certified service provider", an agent certified jointly by the~~
 10 ~~states that are signatories to the agreement to perform all of the seller's~~
 11 ~~sales tax functions;~~
- 12 ~~———— (4) "Person", an individual, trust, estate, fiduciary, partnership,~~
 13 ~~limited liability company, limited liability partnership, corporation or~~
 14 ~~any other legal entity;~~
- 15 ~~———— (5) "Sales tax", any sales tax levied pursuant to this chapter,~~
 16 ~~section 32.085, or any other sales tax authorized by statute and levied by~~
 17 ~~this state or its political subdivisions;~~
- 18 ~~———— (6) "Seller", any person making sales, leases or rentals of~~
 19 ~~personal property or services;~~
- 20 ~~———— (7) "State", any state of the United States and the District of~~
 21 ~~Columbia;~~
- 22 ~~———— (8) "Use tax", the use tax levied pursuant to this chapter.]~~
 23

2 ~~[144.1006. For the purposes of reviewing and, if necessary,~~
 3 ~~amending the agreement embodying the simplification recommendations~~
 contained in section 144.1015, the state may enter into multistate

4 discussions. For purposes of such discussions, the state shall be
 5 represented by seven delegates, one of whom shall be appointed by the
 6 governor, two members appointed by the speaker of the house of
 7 representatives, one member appointed by the minority leader of the
 8 house of representatives, two members appointed by the president pro
 9 tempore of the senate and one member appointed by the minority leader
 10 of the senate. The delegates need not be members of the general
 11 assembly and at least one of the delegates appointed by the speaker of
 12 the house of representatives and one member appointed by the president
 13 pro tempore of the senate shall be from the private sector and represent
 14 the interests of Missouri businesses. The delegates shall recommend to
 15 the committees responsible for reviewing tax issues in the senate and the
 16 house of representatives each year any amendment of state statutes
 17 required to be substantially in compliance with the agreement. Such
 18 delegates shall make a written report by the fifteenth day of January each
 19 year regarding the status of the multistate discussions and upon final
 20 adoption of the terms of the sales and use tax agreement by the
 21 multistate body.]

22

2 [144.1009. No provision of the agreement authorized by sections
 3 144.1000 to 144.1015 in whole or in part invalidates or amends any
 4 provision of the law of this state. Implementation of any condition of
 5 this agreement in this state, whether adopted before, at, or after
 6 membership of this state in the agreement, must be by action of the
 7 general assembly. Such report shall be delivered to the governor, the
 8 secretary of state, the president pro tempore of the senate and the speaker
 9 of the house of representatives and shall simultaneously be made
 10 publicly available by the secretary of state to any person requesting a
 11 copy.]

11

2 [144.1012. Unless five of the seven delegates agree, the
 3 delegates shall not enter into or vote for any streamlined sales and use
 4 tax agreement that:

4 ————— (1) Requires adoption of a definition of any term that would
 5 cause any item or transaction that is now excluded or exempted from
 6 sales or use tax to become subject to sales or use tax;

7 ————— (2) Requires the state of Missouri to fully exempt or fully apply
 8 sales taxes to the sale of food or any other item;

9 ————— (3) Restricts the ability of local governments under statutes in
 10 effect on August 28, 2002, to enact one or more local taxes on one or
 11 more items without application of the tax to all sales within the taxing
 12 jurisdiction, however, restriction of any such taxes allowed by statutes
 13 effective after August 28, 2002, may be supported;

- 14 ~~————— (4) Provides for adoption of any uniform rate structure that~~
- 15 ~~would result in a tax increase for any Missouri taxpayer;~~
- 16 ~~————— (5) Affects the sourcing of sales tax transactions; or~~
- 17 ~~————— (6) Prohibits limitations or thresholds on the application of sales~~
- 18 ~~and use tax rates or prohibits any current sales or use tax exemption in~~
- 19 ~~the state of Missouri, including exemptions that are based on the value~~
- 20 ~~of the transaction or item.]~~

21

2 ~~[144.1015. In addition to the requirements of section 144.1012,~~

3 ~~the delegates should consider the following features when deciding~~

4 ~~whether or not to enter into any streamlined sales and use tax agreement:~~

- 4 ~~————— (1) The agreement should address the limitation of the number~~
- 5 ~~of state rates over time;~~
- 6 ~~————— (2) The agreement should establish uniform standards for~~
- 7 ~~administration of exempt sales and the form used for filing sales and use~~
- 8 ~~tax returns and remittances;~~
- 9 ~~————— (3) The agreement should require the state to provide a central,~~
- 10 ~~electronic registration system that allows a seller to register to collect~~
- 11 ~~and remit sales and use taxes for all signatory states;~~
- 12 ~~————— (4) The agreement should provide that registration with the~~
- 13 ~~central registration system and the collection of sales and use taxes in the~~
- 14 ~~signatory states will not be used as a factor in determining whether the~~
- 15 ~~seller has nexus with a state for any tax;~~
- 16 ~~————— (5) The agreement should provide for reduction of the burdens~~
- 17 ~~of complying with local sales and use taxes through the following so~~
- 18 ~~long as they do not conflict with the provisions of section 144.1012:~~
- 19 ~~————— (a) Restricting variances between the state and local tax bases;~~
- 20 ~~————— (b) Requiring states to administer any sales and use taxes levied~~
- 21 ~~by local jurisdictions within the state so that sellers collecting and~~
- 22 ~~remitting these taxes will not have to register or file returns with, remit~~
- 23 ~~funds to, or be subject to independent audits from local taxing~~
- 24 ~~jurisdictions;~~
- 25 ~~————— (c) Restricting the frequency of changes in the local sales and use~~
- 26 ~~tax rates and setting effective dates for the application of local~~
- 27 ~~jurisdictional boundary changes to local sales and use taxes; and~~
- 28 ~~————— (d) Providing notice of changes in local sales and use tax rates~~
- 29 ~~and of changes in the boundaries of local taxing jurisdictions;~~
- 30 ~~————— (6) The agreement should outline any monetary allowances that~~
- 31 ~~are to be provided by the states to sellers or certified service providers.~~
- 32 ~~The agreement must allow for a joint public and private sector study of~~
- 33 ~~the compliance cost on sellers and certified service providers to collect~~
- 34 ~~sales and use taxes for state and local governments under various levels~~
- 35 ~~of complexity to be completed by July 1, 2003;~~

36 ~~————— (7) The agreement should require each state to certify~~
37 ~~compliance with the terms of the agreement prior to joining and to~~
38 ~~maintain compliance, under the laws of the member state, with all~~
39 ~~provisions of the agreement while a member, only if the agreement and~~
40 ~~any amendment thereto complies with the provisions of section~~
41 ~~144.1012;~~

42 ~~————— (8) The agreement should require each state to adopt a uniform~~
43 ~~policy for certified service providers that protects the privacy of~~
44 ~~consumers and maintains the confidentiality of tax information; and~~

45 ~~————— (9) The agreement should provide for the appointment of an~~
46 ~~advisory council of private sector representatives and an advisory~~
47 ~~council of nonmember state representatives to consult with in the~~
48 ~~administration of the agreement.]~~
49

Section B. This act shall become effective on January 1, 2020.

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